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FROM THE FUND OF
CHARLES MINOT

CLASS OF 1828

SPEECHES
OF THE
MANAGERS AND COUNSEL
IN THE
TRIAL OF WARREN HASTINGS.

EDITED BY
E. A. BOND,
ASSISTANT KEEPER OF THE MANUSCRIPTS IN THE BRITISH MUSEUM.

VOL. II.

**PUBLISHED BY THE AUTHORITY OF THE LORDS COMMISSIONERS
OF HER MAJESTY'S TREASURY.**



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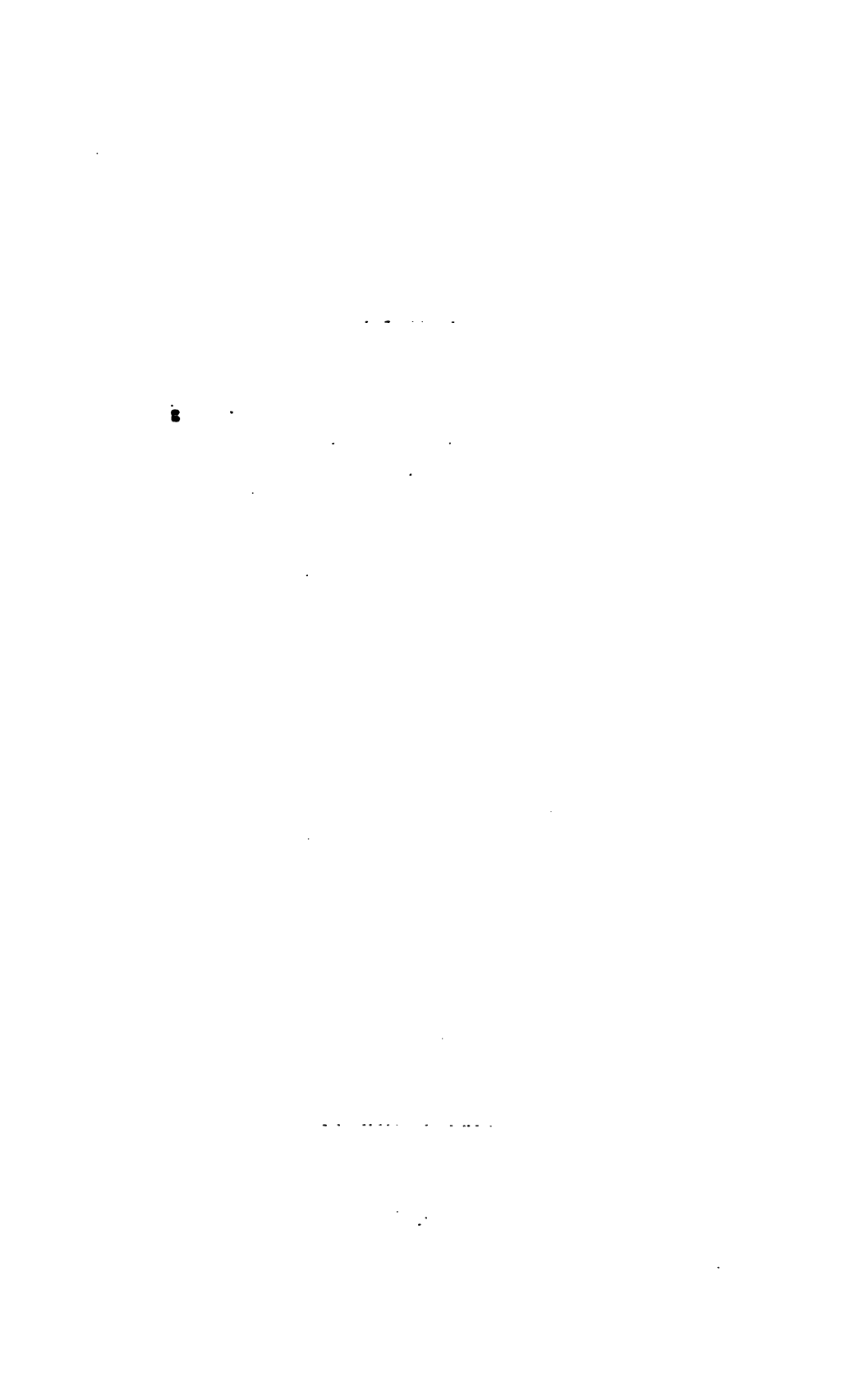


1876, Feb. 22.
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Feb. 22

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A

SUMMARY

OF

PROCEEDINGS ON THE TRIAL.

It has been suggested as desirable to connect the several speeches contained in the present publication by notices of the intervening proceedings on the trial; and it has been judged that such notices would be most conveniently introduced by being brought together, in a narrative form, at the commencement of each volume. In entering on the plan at the present point, it will be necessary to supply here what should properly have been prefixed to the first volume—to join with the account of the proceedings connected with this portion of the work a view of the course of the trial from its commencement. Any indication of opinion in favour of either the prosecution or defence will be avoided; and nothing further will be attempted than to narrate the occurrences of each day's sitting of the Court, and briefly to refer to public incidents directly influencing or growing out of the impeachment, in order that the progress of the trial may be present to the reader's mind as he takes up each succeeding speech.

Plan of the
Summary.

Little occurred that requires mention during the period embraced in the first volume: the speeches themselves are the engrossing objects of the earlier part of the trial. The evidence which they introduced or commented on was received with little opposition from the Defendant's Counsel; and it is not our object to detail the evi-

Little objection raised to evidence offered for the two first charges.

Opposition
to evidence
on the other
charges.

dence itself, which was published at the time by authority of the Court. Although exception was sometimes taken to evidence, and angry discussions occasionally arose between the Managers and Counsel, the course of the proceedings during the prosecution on the two first Articles of the impeachment was comparatively smooth. But in supporting the sixth Charge, relating to presents alleged to have been received from corrupt motives, the Managers were again and again opposed by the Counsel for the defence, in their endeavours to introduce particular matters of evidence. The contests arising from these differences were carried on in arguments which sometimes extended over the entire day's sitting of the Court; and the questions proposed were of so nice a character that the proceedings were more than once suspended, while they were referred to the Judges for solution. In some instances, the disputes between the Managers and Counsel were determined by the mere expression of the Lord Chancellor's opinion; but more commonly they were formally discussed by the Lords, who, on such occasions, retired from the Hall to their own chamber, for the purpose of considering their judgment, and, on their return, announced it through the Chancellor. The duration of the trial was much affected by the frequency of these discussions. Although the number of sittings of the Court occupied by the prosecution on the two first and the two second charges was nearly the same, the time over which they were spread was very unequal. In the former case, the sittings were included in one session of Parliament, from the beginning of February to the 13th of June, 1788; in the latter, they were spread over three sessions; partly, it is true, owing to interruptions of a special character, but in a considerable degree in consequence of the numerous adjournments of the Court for lengthened periods, to allow opportunity to the Lords for debating on, or to the Judges for considering, the questions disputed between the parties. The struggles were occasioned by the difference of view taken by the Managers and Mr. Hastings' Counsel of the rule proper to be followed

regarding the admission of evidence. The former chafed at the restraints imposed on them by the forms of Common Law Courts, and asserted the right of adducing such evidence as bore upon their case without regard to technical limitations. The latter used all their skill as lawyers in baffling these pretensions of their opponents, and were ever on the watch to resist the slightest informality; and each imputed to the other the design of defeating justice by endlessly protracting the proceedings. The altercations between the contending parties, principally conducted by Mr. Burke and Mr. Fox, on the part of the Managers, and by Mr. Law on the side of the Defendant, were often of an angry tone. They were reported in full by Mr. Gurney, who was employed by the Managers as their short-hand reporter, and who, not by deputy, as implied in our previous mention of this subject,* but, as we have the authority of his grandson, Mr. Joseph Gurney, for stating, with his own hand, took notes, still extant, of the whole proceedings.

The preparations for the trial in Westminster Hall, and the ceremony of opening the Court, have already been described;† and we shall now endeavour to give a short connected narrative of the proceedings from day to day; not, as we have said, attempting to dissect the evidence brought forward, but simply stating the subject which occupied the attention of the Court at each of its sittings, and noticing the numerous disputes which arose on the admissibility of evidence, and other incidents illustrating the history of the prosecution. 1788.

The Court was formed on the 13th of February, 1788, and, simultaneously with the first exercise of their functions as prosecutors, the Managers were obliged to protect themselves from attempts to discredit the honesty of their motives. On the 14th of the month, Mr. Fox called the attention of

Opening of
proceedings,
13 Feb. 1788.

* See Vol I., Introduction, p. xlii.

† See Ibid., p. xxxix.

1788. the House of Commons to a pamphlet, of a libellous character, published by Mr. Stockdale, and read passages from it, in which the charges against Mr. Hastings were asserted to be groundless, and his impeachment ascribed to party feelings. The motion for a prosecution by the Attorney General was supported by the Ministers, after a slight amendment of the terms of it; and the trial of Mr. Stockdale in the Court of King's Bench, on the 9th of December following, when he was defended by Mr. Erskine, resulted in a verdict of acquittal.

Prosecution
of libellous
pamphlet.

The two first days, the 13th and 14th of February, were occupied in reading the Articles of impeachment, and Mr. Hastings' answers to them.

Burke's
opening of
the Impeach-
ment.

On the 15th of February, Mr. Burke commenced his General Opening of the charge, and continued his speech through the two following court days, the 16th and 18th of February, terminating it on the following day.*

Opposition
to wish of
Managers to
try each
Article sepa-
rately.

After the conclusion of Mr. Burke's speech, the Managers of the prosecution and the Counsel for the Defendant immediately found themselves at issue as to the order of the future proceedings. On the part of the prosecution, it was urged by Mr. Fox that each Article ought to be taken separately, the evidence produced and the defence made to it, as a distinct charge; and he referred to precedents in the conduct of the impeachment of the Earl of Macclesfield and Lord Strafford. This course was objected

* It is stated by the author of the contemporary "History of the Trial" that—"In the course of the first day's speech he worked up the passions of the Court in so powerful a manner, when he described the sufferings of the native Hindoos under the government of Mr. Hastings, that the Court repeatedly called out 'Hear! hear!'" And, in reference to the description of the cruelties practised by Deby Sing on the inhabitants of the province of Rungpore, on the third day of his speech, the same author states that—"In this part of his speech Mr. Burke's descriptions were more vivid, more harrowing and more horrible, than human utterance, on either fact or fancy, perhaps ever formed before. The agitation of most people was very apparent, and Mrs. Sheridan was so overpowered that she fainted." Mr. Burke is described as "dropping his head upon his hands a few minutes," overcome by his own emotions. He was shortly afterwards taken ill, and obliged to discontinue his address for that day.

to by Mr. Hastings' Counsel, who insisted, on grounds as well of convenience to the Court as of justice to their client, that the evidence on all the Articles should be brought forward before the Defence was opened. The Lords withdrew to their chamber to consider their judgment. 1788.

The question was regarded as of considerable importance to the success of the prosecution, and much difference of opinion was shown in the discussion of it in the House of Lords. Although the House eventually adopted the opinion of Lord Chancellor Thurlow, who, at great length, argued in favour of the course proposed by Mr. Hastings' Counsel, as many as thirteen peers, including the Dukes of Devonshire, Bedford and Portland, with Lord Loughborough, entered a protest against the decision of the majority.

On the next court day, the 22nd of February, addressing the Managers, the Chancellor said, "I have, in charge, to inform you that you are to produce your evidence in support of the prosecution before Mr. Hastings is called upon for his defence."

Immediately after the announcement of their Lordships' judgment, Mr. Fox proceeded to open the first Article of the impeachment, relating to the treatment of Cheyt Sing, Raja of Benares, and concluded his speech on the same day. His auditory is stated to have been more numerous than that of any previous day of the trial.

On the 25th of February, Mr. Grey opened the remainder of the first Article of the charge;* and, on the conclusion

* The following is the criticism of the author of the "History of the Trial" on the character of Mr. Grey's speech, and his manner of delivery :—" Mr. Grey was nearly two hours in delivering his speech. His manner was suited to the occasion ; he was fervid, graceful and impressive. He was collected, without arrogance ; free in his expression, without any rattle of volubility ; firm in his sentiments, with scarcely any disgusting obduracy to the defendant. Mr. Grey spoke like a man in earnest. He did not philosophise, agitate and edify, so powerfully as Mr. Burke ; but he showed some reading and some abstract reflection. He not only declaimed, but his speech had, what is less attainable by so young a man, much good arrangement and lucid order."—History of the Trial, &c., Part I., p. 20.

Importance
of the
question.

Opening of
the First
Charge by
Fox and
Grey.

1788. of his speech, the Managers proceeded to adduce evidence in support of the charge.

Evidence on the First Charge.

Reading of Mr. Hastings' Defence before the House of Commons.

After the examination of witnesses to prove the terms of the royal charter granted to the East India Company, in 1696, the appointment of Mr. Hastings as Governor General, and the Act of Parliament of 1774, the Managers were proceeding to read Mr. Hastings' Defence to the first Article, delivered before the House of Commons, as entered in the journals of the House, but were stopped by the Counsel, who insisted on the original minutes of the Defence being produced, with which demand the Managers complied.

Question of reading extracts from documents.

On the 26th of February, the ninth day of the trial, various papers were read as evidence on the first Charge; and, in reference to an objection made by the Managers to the unnecessary reading of an entire document by the Counsel, when a portion only was cited, the Lord Chancellor decided that "if a paper is produced it must be read entire, if required by either party, and that the House, for the present, must put a confidence in the party who shall insist upon its being so read entire that they will not do it frivolously."* An objection was made by the Counsel, at the end of the day, to the reading of a letter from the court of Directors to the Governor General and Council, offered as proving a breach of orders by Mr. Hastings, there being no allegation of the offence in the Article, and the Court adjourned.

Objections to evidence of offences not in the charge.

Decision in favour of Managers.

On the 28th of February, the Lord Chancellor announced that the Managers were at liberty to read the letter objected to by the Counsel. Further documentary evidence was then read, without opposition, together with several extracts from Mr. Hastings' Narrative of the Insurrection in Benares, in 1781.†

Question of reading extracts.

On the 29th of February, other extracts were read from Mr. Hastings' Narrative, and further documentary evidence

* "Minutes of the Evidence," p. 46.

† The entire Narrative is printed in the "Minutes of the Evidence," pp. 109, 222.

adduced. A discussion arose on a proposal by Mr. Adam 1788.
 for printing the extracts from Mr. Hastings' Narrative
 in the "Minutes of the Evidence," without reading them
 in Court; the proposal was rejected, at the suggestion of
 Earl Stanhope, and the extracts were read at length. Oral
 testimony was taken during the latter part of the sitting;
 and Mr. John Stables, Mr. Fox Calcraft, both of whom had
 served in a military capacity in Benares, and Mr. John
 Benn, who had been the assistant to the Company's Resident
 at Benares, were examined. A question being put by
 the Managers to the latter witness, to show he had given
 contrary evidence before the House of Commons, objection
 was raised by the Counsel for Mr. Hastings, on the ground
 that it was "perfectly new in judicature that any person
 producing a witness should himself undertake to impeach
 his credit." Arguments were heard on either side; it
 being explained on the part of the Managers that their
 object was to show "that the witness had not said clearly
 that which we can prove, from a former examination, it was
 in his power to say." It being late in the afternoon, the
 Lords adjourned to their own chamber, and the question in
 dispute was referred to the Judges.

Examina-
 tion of
 Stables,
 Calcraft,
 and Benn.

Objection to
 impeaching
 their own
 witness.

Question
 referred to
 the Judges.

After an interval of six weeks, occasioned by the absence
 of the Judges on circuit, the Lords again assembled in the
 Hall on the 10th of April; when the Lord Chancellor
 announced their decision that "it was not competent for the
 Managers to put the question proposed by them to the
 witness." On the announcement of this resolution the
 Managers asked leave to withdraw. They shortly returned,
 and Mr. Fox, addressing the Court, stated it was impossible
 the Managers could, in their minds, acquiesce in the de-
 cision. That it was so important to the whole proceedings
 that only their feeling it a superior duty to proceed with
 despatch in the trial withheld them from appealing to the
 House of Commons for instructions. That they were
 thoroughly convinced they had a right to put the question.
 That, in cases of impeachment, which are usually directed

Decision
 against
 Managers.

Protest of
 Mr. Fox.

1788. — against persons of influence, the witnesses are likely to give unwilling testimony. That they the more regretted the decision because it was at variance with a previous one, in which their Lordships asserted their adherence to the practice of the lower courts. That they acquiesced, “not acknowledging the principle which is held out to us, but upon the principle of convenience—that we would not delay this trial; always protesting in favour of the rights of the Commons of England, which we do not mean to admit it to be a precedent for superseding and for destroying.”*

Mr. Benn
and Colonel
Gardiner
examined.

Mr. Benn and Colonel Gardiner were then examined, principally with respect to the arrest of Cheyt Sing, and his treatment during confinement.†

Anstruther's
summing of
evidence on
the First
Charge.

Observa-
tions by
Mr. Burke.

On the 11th of April, the thirteenth day of the trial, Mr. Anstruther, on the part of the Managers, summed up the evidence produced in support of the first Article of the impeachment. And, on the conclusion of his speech, Mr. Burke made a few observations on the subject of the insults offered to Cheyt Sing during his arrest, and on the treatment shown to Durbejey Sing during his imprisonment.‡ And thus the case for the prosecution was closed on the Benares charge.

Adam's
opening of
the Second
Charge.

Interrup-
tion by
Mr. Hast-
ings.

On the 15th of April, the fourteenth day of the trial, Mr. Adam opened the second Article of the impeachment, relating to alleged acts of injustice towards the Begums of Oude, the mother and widow of the deceased Nawab of Oude. An incident which occurred during the delivery of his speech requires notice. In the course of his argument, he charged Mr. Hastings with having falsified dates in his Narrative of

* Gurney's Report, MS.

† It is stated, in the “History of the Trial,” that “the Prince of Wales, the Duke of York, and the Dukes of Gloucester and Cumberland, were present during the day's proceedings. The Commons were few in number; and the audience lessened so continually, from time to time, that at last scarcely any hearers but those who were obliged to hear were left in the Court.”—Part I., p. 27.

‡ Printed in Volume I. of the present work, p. 362.

the insurrection in Benares. Galled by the imputation, 1788.
Mr. Hastings whispered to a gentleman in his box that the
assertion was false. The words were caught by Mr. Adam,
who, in violent terms, protested against the interruption and
repeated his charge.*

On the 16th of April, Mr. Pelham supported the second
Article of the charge. On the close of his speech, Mr. Sheri-
dan rose to conduct the evidence to be brought forward on the
Article now opened; having first, with the concurrence of the
Defendant's Counsel, proposed that, in future, not the whole
of any voluminous paper exhibited in evidence should be
printed, but only the part specially applying to the subject.
He then proceeded to prove a printed paper circulated in
the lobby of the House of Commons, and purporting to be
a second Defence of Mr. Hastings upon the second Article
of the Charge.† Major Scott, who, when Mr. Hastings was
in India, had acted as his confidential agent in England,
and from the commencement of the present proceedings had
been his staunch supporter, both in the House of Commons
and in the public press, was examined by Mr. Sheridan on
the subject of this second Defence, and stated that he had
distributed a few copies of it among members of the House.
He was then questioned as to the composition of Mr. Hast-
ings' first Defence at the bar of the House of Commons,
and informed the Court that it was written within the space
of six days, but that the only portions of it composed by
Mr. Hastings himself were the general introduction and the
answers to the Articles concerning the Rohilla war and the
King's tribute. He specified the authors of the other parts of
the Defence, viz., the witness himself, Mr. Halhed, Mr. Shore,

Support of
the Second
Charge by
Mr. Pelham.
Evidence.

Arrange-
ment for
printing
extracts of
papers.

Examina-
tion of Major
Scott, re-
specting
Mr. Hast-
ings' second
Defence.

The first
Defence
composed by
friends of
Mr. Hast-
ings.

* The observation of the historian of the trial upon Mr. Adam's speech is as follows—"Mr. Adam was up three hours and an half, and was heard with great attention. In many parts he deserved it. In parts there was a violence liberal men do not love. The Commons were more numerous than usual. The female part of the audience were in greater numbers than have lately been seen."—History of the Trial, Part I., p. 33.

† It is headed "The real State of the Facts contained in the Fourth Article of Mr. Burke's Charge, divested of all extraneous matter in which they are enveloped;" and is printed in the "Minutes of Evidence," p. 362.

1788. — a member of the Supreme Council, Mr. Middleton, Mr. Markham, Mr. Baber, Major Gilpin and Mr. Benn; and he stated that many passages were introduced into the paper, by the different contributors to it, which Mr. Hastings himself had never read when it was presented to the House.

Examina-
tion of
Mr. Holt.

On the 17th of April, the sixteenth day of the trial, Mr. Holt, who had been assistant to the Resident at Lucknow, in 1779 and 1780, was examined for five consecutive hours, principally with the object of proving Mr. Hastings' influence over the Nawab of Oude; and his examination was resumed on the 22nd of April. It was followed by various written evidence, and subsequently by the examination of Major Brown, Mr. Goring and Mr. Stables.

Major
Brown,
Mr. Goring,
and
Mr. Stables.

Examina-
tion of Mr.
Middleton.

The principal witness examined on the 23rd, the 24th and 29th, of April was Mr. Middleton, formerly political Resident at the court of Lucknow. He is stated to have shown much confusion in giving his evidence, and to have resorted to the plea of forgetfulness when pressed on subjects which it was hard to believe had escaped his memory.

Examina-
tion of Major
Scott and
Mr. Middle-
ton.

On the 30th of April, Major Scott was again examined at great length, and again on the 1st of May. After which, various letters were produced and read, and Mr. Middleton was once more examined.

Of Sir Elijah
Impey.

On the 6th of May, a great deal of written evidence was given in and read, and Sir Elijah Impey, formerly Chief Justice of Bengal, was examined on the subject of the affidavits sworn before him relative to the insurrection in Benares.

Of Mr. Mid-
dleton.

On the 7th and 8th of May, after the reading of much written evidence, Mr. Middleton was examined on the subject of the seizure of the Begums' jagirs.

Of Capt.
Edwards
and Colonel
Achmutty.

After an adjournment for the Whitsun holidays, the Court resumed on the 20th of May, when various written evidence was adduced, and Captain Edwards and Colonel Achmutty were examined, mainly in relation to the alleged rebellion of the Begums.

Garbling of
letters.

On the 21st of May, extracts were read from the Persian correspondence, during Mr. Hastings' administration, to show

that the letters had been garbled and mutilated, and that 1788.
 forged papers had been introduced among them. Other written
 evidence was read, to show that the resumption of the jagirs
 was against the wish of the Nawab. In the course of the day,
 Major Scott presented himself for the purpose of correcting a
 statement made by him at a previous examination, and in
 which he had denied that he had made any other communica-
 tion respecting presents received by Mr. Hastings than what
 he had already mentioned. He now acknowledged a letter
 to the Chairman of the Directors, detailing every instance of
 such receipt of presents by Mr. Hastings. Sir Elijah Impey
 also was called in, to authenticate certain letters which he
 had delivered to the House of Commons; and an interrup-
 tion to the proceedings was occasioned by his hesitating to
 answer the questions put to him—first, on the ground that
 he was afraid of exposing himself to censure, as he had
 been already charged, in the House of Commons, with ar-
 rogance and contumaciousness in his mode of conducting
 himself on a previous examination; and, secondly, from
 apprehension of his evidence being turned against himself in
 a prosecution he was threatened with by the Commons. He
 subsequently complained that suares were laid for him in
 his examination—an expression which, Mr. Fox insisted,
 deserved the reprimand of the Court.

Correction
 of evidence
 by Major
 Scott.

Objection by
 Sir E. Impey
 to answer
 questions.

On the 22nd of May, Mr. Purling, who had acted as the
 Company's Resident at Lucknow, was examined by the Earl of
 Suffolk respecting the state of the province of Oude. Written
 evidence was presented, and Sir Elijah Impey corrected a
 discrepancy between evidence given by him before the House
 of Commons and his statements in a recent examination.
 He was further questioned, chiefly on the circumstances of
 taking the affidavits respecting the Begums' concern in the
 Benares insurrection. Capt. Jaques, the officer who had
 held the ministers of the Begums in his custody, during
 part of the time of their confinement, was called in, and gave
 evidence respecting the harshness of their treatment.

Examina-
 tion of
 Mr. Purling.

Correction
 of evidence
 by Sir E.
 Impey.

Capt.
 Jaques.

Mr. Sheridan was stopped by Mr. Hastings' Counsel in an

1788. endeavour to elicit from the witness the contents of certain letters which he had received from the Resident at Lucknow, on the ground that he was putting leading questions to his own witness. Mr. Sheridan retorted that the witness could not be considered as the evidence of the Managers, as he was known to have been in close communication with the Counsel themselves.

Objection to leading questions.

Instance of Counsel on calling witness to prove letters.

Major Gilpin.

On the 27th of May, Mr. Jaques was again examined. Subsequently, the Managers proposed to read from Mr. Middleton's letter-book his correspondence with Major Gilpin, by whom Capt. Jaques had been relieved at Fyzabad, but were opposed by Mr. Hastings's Counsel, who insisted that Major Gilpin ought to be called to prove the receipt of the letters. To this the Managers objected, as in that case Major Gilpin would be regarded as their witness, and they would thereby be debarred, by a former resolution of the Court, from putting what might be called leading questions to him. Eventually they submitted to the objection of the Counsel, and called in Major Gilpin to prove the letters in question. The Major was then examined by the Counsel, to prove the reality of the Begums' preparations to assist Cheyt Sing, and the respectful treatment they had subsequently received, when in confinement.

Examination of Major Gilpin and Mr. Middleton.

Inaccuracies in printed Evidence.

Examination of Mr. Middleton.

On the 28th of May, after observations by Mr. Sheridan on incorrectnesses in the printed Evidence, Major Gilpin was again cross-examined by the Counsel. Mr. Middleton also was questioned as to the origin of the design of resuming the Begums' jagirs, and gave very material evidence on this subject.

On the 30th of May, the thirty-first day of the trial, Mr. Sheridan again brought forward the subject of inaccuracies in the printed Evidence, and proposed a plan for preparing a list of errata, which was accepted by the Counsel. Mr. Middleton was then subjected to an examination, principally concerning the treatment of the eunuchs, the ministers of the Begums, and alleged instructions from Mr. Hastings to induce the Nawab to give a present, after the treaty of Chunar. To many of the questions put

to him he refused answers, lest he might be drawn into criminating himself. On the conclusion of his examination, Mr. Sheridan informed the Court that the Managers had closed their evidence on the second charge. 1788.

On the 3rd of June, the thirty-second day of the trial, Mr. Sheridan proceeded to sum up the evidence on the charge relating to the Begums of Oude. His speech was continued through the 6th and 10th, and brought to conclusion on the 13th, of the same month. Excitement amongst the public was at its highest pitch on the first day of his great speech. Although the Court was not formed till twelve o'clock, it is stated that "by eight o'clock in the morning the avenues leading to the hall, through New and Old Palace Yards, were filled with ladies and gentlemen of the most respectable appearance, many of them peeresses in full dress, who stood in the streets for upwards of an hour before the gates were opened." * He is stated to have been much exhausted at the end of the second day, and on the afternoon of the third day was suddenly interrupted by illness.†

Summing of
evidence on
the Second
Charge by
Mr. Sheri-
dan.

* "History of the Trial of Warren Hastings," Part I., p. 74.

† The general opinion of those who heard Mr. Sheridan's speech was, that, however splendid, it scarcely equalled his famous oration in the House of Commons, in bringing forward the same charge, on the 7th of February, 1787. If Mr. Burke, however, spoke his honest sentiments when he gave his opinion on the merits of the later speech, in a debate in the House of Commons, on the 6th of June—when only half of it had been delivered—it is not easy to conceive how it could have been surpassed by any effort even of the same wonderful genius. He said in reference to it,—“Every member had been struck dumb with astonishment and admiration at the wonderful eloquence of his honourable friend (Mr. Sheridan), who had that day again surprised the thousands who hung with rapture on his accents by such a display of talents as were unparalleled in the annals of oratory, and as did the highest honour to himself, to that house, and to his country.” . . . “Of all species of oratory, of every kind of eloquence that had been heard, either in ancient or in modern times, whatever the acuteness of the bar, the dignity of the senate, or the morality of the pulpit, could furnish, had not been equal to what that house had that day heard in Westminster Hall. No holy religionist, no man of any distinction as a literary character, could have come up, in the one instance, to the pure sentiments of morality, or, in the other, to the variety of knowledge, force of imagination, propriety and vivacity of allusion, beauty and elegance of diction, and strength of expression, to which they had all that day listened. From poetry up to eloquence, there was not a species of composition of which

1788.

Close of the
session of
1788.

Motion in
the House
of Commons
for account
of expenses.

Altercation
between
Mr. Burke
and Mr. Pitt.

Further
motions for
accounts.

Mr. Sheridan's summing up of the evidence on the charge relating to the Begums closed the proceedings for that session of the Parliament. The trial had already occupied thirty-five days, extended over an entire session, and expressions of impatience were heard in the public press. The expense incurred by the prosecution was a subject of complaint; and, on the 9th of May, a direct motion was made by Mr. Burges, in the House of Commons, for a particular account from the solicitors to the Managers of the whole expenses of the prosecution. The debate which ensued gave rise to a very angry altercation between Mr. Burke and Mr. Pitt. In reference to an explanation offered by Mr. Pitt of certain communications between the Treasury and the Managers, Mr. Burke stated that his assertion was not true. Mr. Pitt replied, that, "perhaps, from being accustomed to use an extraordinary licence of speech elsewhere, Mr. Burke showed himself so much the slave of habit and practice that he forgot the place where he was, and seemed desirous of introducing that habit and practice within these walls." Mr. Burke retorted, that Mr. Pitt "had alluded to what he supposed to have passed in a place where he seldom or never made his appearance; but it was the curse of his situation to be surrounded with whisperers and tale-bearers, and to take up matters as they were conveyed to his ears by such reporters."*

On the 20th of May, the accounts which had been called for were laid on the table of the House, and a second motion by Mr. Burges for a more particular account was carried, against the wish of the Managers, by a majority of sixty to seventeen. An effort was made on the 6th of June, by the same member, to induce the House to require a monthly account of expenses; but this was successfully resisted by the Managers.

a complete and perfect specimen might not have been culled from one part or the other of the speech to which he alluded."—*Parliamentary History*, vol. xxvii. col. 544.

* See *Parliamentary History*, vol. xxvii., col. 493; and *Adolphus' History of England*, vol. vi p. 149.

In the interval between the prorogation and the day appointed for the re-assembly of the Parliament, the exercise of the functions of royalty was interrupted by the King's illness. Shortly after the opening of the session, by commission, on the 3rd of February, 1789, a petition was presented to the House of Lords by Mr. Hastings, complaining of the great hardships to which the extraordinary duration of the trial was sub-

Session of 1789.

Petition of Mr. Hastings to the House of Lords.

jecting him. Amongst these, he mentioned the change of his judges by the decease of many members of the House; the detention of witnesses necessary for his defence, and the probability of his being deprived of many of them by various accidents; injury to his health, and waste of his fortune; that his expenses had already exceeded 30,000*l.*, and, consequently, that, should his life be continued to the close of the prosecution, he might find himself destitute of the means of defence and even of subsistence, and "run the dreadful chance of having his character transmitted on their records, blasted with unrefuted criminations;" and he prayed them to proceed on his trial without delay.* Circumstances, however, prevented the immediate resumption of proceedings. The attention of the Legislature was for some time engrossed by the consideration of a Regency Bill. On the 19th of February, a notification was made to the House of Lords of the King's recovery, and the debates on the Regency were of course suspended. Adjournments from time to time succeeded, till proceedings were formally opened by the delivery of a speech in the King's name by the Lords Commissioners, on the 10th of March. The absence of the Judges on circuit still further delayed the resumption of the trial; and it was not till the 21st of April that the Court was again formed in Westminster Hall.

Delay in proceedings.

On that day, the thirty-sixth of the trial, Mr. Burke opened a portion of the sixth Article of the impeachment. The substance of the accusation contained in the Article

Mr. Burke's opening of part of the Sixth Charge.

* Parliamentary History, vol. xxvii, col. 1344.

1789. was, that, contrary to his covenants with the court of Directors, as Governor General, and to terms of a special Act of Parliament, he had received various presents, from corrupt motives. That, in the year 1783, he took a present from Raja Nobkissen, under colour of a loan, to the amount of 34,000*l.*—That, in the year 1780, he accepted as a present, from Sadanund, the treasurer of Cheyt Sing, the sum of two lacs of rupees, equal to 20,000*l.*—That, in the same year, he took from a person called Kelleraam a sum of four lacs of rupees, or 40,000*l.*, and, in consideration of it, granted to him and to Cullian Sing, in perpetuity, the farm of the revenue of the province of Behar.—That, in the year 1781, he accepted from Asoff-ud-Dowla, Nawab of Oude, being then in a state of great pecuniary embarrassment, the sum of ten lacs of rupees, equal to 100,000*l.*—That, in the same year, he took from a person called Nundulol, 58,000 rupees, equal to 5,000*l.*—That, in 1772 and the two following years, he extorted, by means of his banya, Cantoo Baboo, from the zamindar of Rajeshaye, divers sums, amounting to 4 lacs 40,000 rupees, equal to 40,000*l.*; and that, being charged with the same before the Supreme Council, he refused to clear himself from the accusation.—That, in 1773, he took from Raja Nundcomar and other persons divers sums, amounting in value to 40,000*l.*, as bribes for appointments; particularly for appointing Raja Goordass, son of Nundcomar, to the head of the finances of Bengal, and making Munny Begum, widow of Mir Jaffier, formerly Nawab of Bengal, superior of the family of Mobaric-ud-Dowla, the then Nawab, and constituting her minister of the government and guardian of the Nawab's minority, the said Munny Begum being wholly unqualified for the appointment.—That, in the year 1773, he took the sum of 36,000 rupees for himself, and 4,000 rupees for his banya, Cantoo Baboo, from one Khan Jehan Khan, out of his salary as faujdar of Hoogly, to which office he had appointed him; and that, when charged therewith by the majority of the Council, he refused to answer, and, moreover, prohibited the said

—
Substance of
the charge.

Corrupt
presents.

Khan Jehan Khan from giving testimony respecting the transaction. 1789.

Mr. Burke selected for his opening the portion of the charge relating to the presents received from Munny Begum, in consideration, as was alleged, for the appointments of superior of the Nawab's household and guardian of his person; and introduced the circumstances of Nundcomar's accusation of Mr. Hastings, presented to the Supreme Council, in relation to these and other corrupt presents. He dwelt on the general corruption of the service by Mr. Hastings' example, and on the measures taken by him, in connection with the public accounts, for concealing his illegal practices. He prefaced his address with a notice of complaints, spread about by Mr. Hastings and his friends, of the length of the trial; in justification of which he cited, in comparison, the proceedings during the session of the Committee on the Colchester election, which had lasted as many days as the present trial. And he answered other complaints of the expenses to which Mr. Hastings had been driven by the nature of the proceedings, by asserting that they were more than covered by the amount of one of the bribes he should prove him to have accepted.

Mr. Burke's speech.

Mr. Burke's speech extended through the 25th of April and the 5th of May, and was concluded on the 7th of that month. The 22nd of April had been appointed for the second hearing of his address, but, after the Lords had met in the Hall as usual, Mr. Burke was seized with sudden indisposition, and the Court adjourned to the 25th. The speech bears the impress of the marvellous power and richness of the great orator's mind; and, while abounding in passages of the loftiest eloquence, never loses sight of its object of setting the circumstances of the charge distinctly before the Court, and heightening to the utmost every feature in the transaction to which guilt could be ascribed. But, in the course of the first day of its delivery, his earnestness of feeling led Mr. Burke into expressions not justified by the terms of the impeachment, and which brought upon

Charges Mr. Hastings with the murder of Nundcomar.

1789. — him a serious mortification. In reference to the prosecution of Maharaja Nundcomar for forgery, and his eventual execution, at the very time when he was urging charges of bribery against Mr. Hastings before the Supreme Council of Calcutta, Mr. Burke said of Mr. Hastings, "Yet there is an action which is more odious than the crimes he attempts to cover; for he has murdered this man, by the hands of Sir Elijah Impey."* On the 30th of April, when the Lords had met for a further hearing of the opening of the sixth Charge, a message was presented from the Commons desiring that the trial might be deferred to a future day. This interruption was occasioned by a petition of Mr. Hastings, which had been presented in the House of Commons on the 27th of April, by Major Scott, complaining of extraneous accusations, not included in the Articles of impeachment, and wholly false and unfounded, having been introduced by Mr. Burke into his speeches, and especially of his having charged him with the murder of Nundcomar; and praying that he might have an opportunity of answering these charges, or that the House would grant him redress.†

Proceedings interrupted by House of Commons.

Petition of Mr. Hastings to the House against unauthorised charges of Mr. Burke.

* See page 47 of the present volume.

† The following are the terms of the petition:—"That the petitioner was impeached by this House, before the Lords Spiritual and Temporal in Parliament assembled, on a charge of high crimes and misdemeanors, contained in certain Articles exhibited according to the just and proper usage of Parliament, and was required by the Lords to give in his answer to the same, a competent time being allowed him to prepare it, and which answer he delivered in accordingly; and that the Managers appointed by the House to carry on the prosecution, not confining themselves to the Articles of charge, which were especially exhibited against the petitioner, and to which he was required to deliver his answer, and had so answered as aforesaid, did, in the last year, introduce certain allegations in the course of their proceedings, which not only were not contained in, nor bore any immediate relation to, the said Articles of charge, but were wholly extraneous and foreign from them; although they were of such a nature as, if true, would have rendered the petitioner infinitely more criminal than anything contained in those which had been formerly exhibited against him; and that the allegations to which the petitioner more particularly alludes were as follows:—that he was concerned as an accomplice in a plot, alleged to have been formed for the purpose of assassinating the Shahzada, or Prince of Hindostan;—that he was concerned as an accomplice in procuring the death of Meeran, the son of the Nabob Jaffier Ally Cawn;—that he was the author and instigator of various acts of oppression and savage cruelty alleged to have been committed by a man named Deby Sing, under the appointment of the petitioner;—and that the trial, after an adjournment of upwards of ten months, was recommenced on the 21st instant, and the Article entitled 'Preamble' opened by the Right. Hon.

The question of hearing the petition was supported by 1789.
Mr. Pitt, and the subject of it was debated on in the House
at several successive sittings. After it had been resolved that
the petition should be received, Mr. Burke withdrew from
the discussion ; and a letter from him was read in the House,
pledging himself to persist in the prosecution until he should
be removed from the management by direct vote. A Com-
mittee was appointed to search for precedents as to the steps
proper to be taken upon the petition, and Mr. Gurney, the
short-hand writer, was examined in respect to the actual
words uttered by Mr. Burke. It was eventually voted, on
the motion of the Marquess of Graham, " That no direction
or authority was given by this House to bring as a charge
against Mr. Hastings, or to impute to him, the condemnation
and execution of Nundcomar; and that the words spoken
by Mr. Burke,—' he (meaning Mr. Hastings) murdered him
(meaning Nundcomar) by the hands of Sir Elijah Impey,'
ought not to have been spoken."*

Vote of the
House
against the
propriety of
the charges.

In continuing his opening of the sixth Charge, on the
5th of May, Mr. Burke alluded at some length to these

Reference
by Mr.
Burke to

Edmund Burke, in the name of the Commons of Great Britain ; and the said
Right Hon. Manager, in like manner as in the preceding year, introducing
many allegations foreign from the express charge, did, in direct terms, charge
the petitioner with the horrid crime of murder, using the following words,
' He '—meaning the petitioner—' murdered that man '—alluding to Nund-
comar—' by the hands of Sir Elijah Impey ;'—that the said Right Hon. Ma-
nager, and the other members appointed by the House with him to be joint
Managers of the prosecution, have at various times declared that they spoke by
instruction from this House, whose representatives they were, and that they
should allege nothing that they were not prepared and willing to prove ;—that
it would not become the petitioner to suppose that such allegations, so made,
in the name and by the representatives of this House, were not made by the
command of the House, although no charge containing them has been yet
preferred against him. The petitioner, therefore, declaring that the above-
recited accusations are all untrue and utterly unfounded, most humbly appeals
to the justice of the House, and prays that such of them as properly fall within
the immediate cognizance of the House may be brought forward, and pro-
secuted in specific Articles ; and that, in respect of the rest of them, such other
mode of prosecution may be directed, or other means adopted by the House, as
may enable the petitioner to make the refutation of the several matters of
grievous crimination as public as the charges themselves have been ; or that
the House will afford him such other redress in the premises as to the House
shall seem meet."—Parliamentary History, vol. xxvii., col. 1364.

* The numbers in the division were, Ayes, 135 ; Noes, 66 ; Majority 69.—
Parliamentary History, vol. xxvii. col. 1422.

1789. proceedings, and with much dignity of language avowed the check he had received from the House of Commons, expressing entire submission to their resolution, yet reflecting on the readiness they had shown to overrule his judgment. He declared that, on the part of the Commons, he withdrew the imputation on Mr. Hastings of being concerned in the death of Nundcomar, but he reasserted it in his private character, and that in terms such as these:—"It was by the poverty of the language I was led to express my private feelings under the name of a murder; for if the language had furnished me, under the impression of those feelings, with a word sufficient to convey the complicated atrocity of that act, as I felt it in my mind, I would not have made use of the word murder." *

proceedings
in the House
of Commons.

Re-assertion
of the
charge.

Production
of evidence.

Objection to
the copy of a
letter.

Objection to
orders of
Directors.

On the 7th of May and on the following court day, after the conclusion by Mr. Burke of his speech, various documentary evidence was read, on the part of the Managers, by Mr. Grey. Exception was taken by the Counsel for Mr. Hastings to the admission of a copy of a letter from their client to the Directors, the Managers having failed to find the original in the East India House; and the Counsel carried their point. An objection was subsequently raised by them to the reading of certain orders transmitted by the court of Directors to Mr. Hastings, requiring regular accounts to be kept of the expenditure of the Nawab of Oude's allowance; but they gave way, on the understanding that the evidence was to be hereafter expunged, if the Managers failed to prove its relevancy to the charge.

Objection to
Nund-
comar's
paper of
charges

On the 14th of May, the forty-second day of the trial, various papers were given in evidence, to show the character and position of Nundcomar; but the greater part of the day was consumed in a discussion on the admissibility in evidence of Nundcomar's examination on a paper of charges against Mr. Hastings, presented before the Supreme Council of

* Speech of Mr. Burke on opening the Sixth Charge.—Printed in the present volume p. 116.

Calcutta in 1775; it being objected by the Counsel that 1789.
the examination was not taken upon oath, that it was taken
in the absence of Mr. Hastings, that it was a proceeding ^{against}
before an incompetent jurisdiction, and that Nundcomar ^{Mr. Hastings.}
was afterwards convicted of a forgery, committed by him
prior to the said examination being taken. The Lords
adjourned to the chamber of Parliament to discuss the
question.

At the opening of the Court on the 20th of May, the Lord ^{Decision}
Chancellor rose and announced the decision of the House of ^{against}
Lords that "it was not competent for the Managers to pro- ^{Managers.}
duce the examination of Nundcomar which they tendered
in evidence, the Managers not having proved, nor even
stated, anything as a ground for admitting such evidence,
which, if proved, would render the same admissible."

After a protest by Mr. Burke against this resolution, the ^{The question}
question was almost immediately re-opened, by a claim put ^{re-opened.}
forth by the Managers to produce the minutes of a consul-
tation of the Council of Calcutta of the 20th of March,
1775, when Mr. Hastings was present, in which were re-
hearsed the minutes of the previous Board, held on the 13th
of March, including the examination of Nundcomar.

The judgment of the Court was, "That the circumstance
of the consultation of the 13th of March, 1775, being read
at a consultation of the 20th of March, 1775, at which
Mr. Hastings was present, does not of itself make the matter
of such consultation of the 13th of March admissible
evidence."

The Managers remonstrated against this judgment, and, in
the discussion which ensued, the Lord Chancellor interpreted
the opinion of the Court in the following terms:—

"The examination of Nundcomar by itself is clearly no evidence at
all. To admit evidence which is incompetent, and which contains in it
criminal imputation against the Defendant, would be to admit unwar-
ranted slander." . . . "There is no way (as the argument alleges)
of making the paper competent evidence, but by proving that Mr. Hast-

1789. — ings had done or said something, in reference to that paper, by which he had, in that act, made it competent evidence; and the Lords are of opinion that the circumstance of sitting by to hear it read is not such an act.” *

The argument was continued by Mr. Fox and Mr. Burke at great length. The Lord Chancellor again explained that, if the Managers could show that the evidence offered could apply, by connecting it with some criminal act done by the Defendant, they would be allowed to make use of it. After further arguments, delivered by Mr. Burke and Mr. Fox, the Court adjourned.

Decision
against
Managers.

On the following day, the 21st, the Lord Chancellor announced the decision of the Court “that the consultation of the 13th of March cannot now be read.” After some remarks by Mr. Burke, the minutes of the 20th of March were read. From these it appeared that Cantoo Baboo had been ordered to attend the Council of the 13th of March, but had not obeyed; and had afterwards assigned, as his reason for not attending, an order from Mr. Hastings not to obey the summons. Mr. Burke then again demanded that the minutes of the 13th of March might be read, as connected with this act of Mr. Hastings in interfering with the orders of the Council. A long discussion ensued, and the Court adjourned without having decided the question. In the

Objection to
other
evidence
bearing on
the same
subject.

Question
referred to
the Judges.

interval between the adjournment and the next meeting, the Lords referred the question to the twelve Judges, whose answer was,—“That it is not competent for the Managers to produce an examination without oath, by the rest of the Councillors, in the absence of Mr. Hastings, the Governor, charging him with corruptly receiving 3,54,105 rupees,” etc. Accordingly, on the 27th of May, the Lord Chancellor announced the decision of the Lords,—“That the examination of Nundcomar and the proceedings of the rest of the Council, on the 13th of March, after Mr. Hastings had left the Council, ought not to be read.”

Decision
against
Managers.

* Gurney's Report, MS.

Mr. Burke remarked upon the resolution of the Court in 1789. the following terms:—

"My Lords, after hearing this determination of your Lordships, the ground and reasons of which we do not understand, nor can in the smallest degree conjecture, I must say that one great political purpose will be answered by that decision. Not only no Governor General of Bengal can be hereafter convicted of the offence of bribery, from the very nature and circumstances of the affair, but it will teach him to throw off all those guards of prudence which men use upon such an occasion: and that crime, which has hitherto been considered as essentially secret, will become public, notorious, and walk in the face of day. That greatest of all and basest of all guilt will appear with the face and mask of innocence. My Lords, I am only to say that a Governor General of Bengal cannot be betrayed, not only by his own guilt, but by the greatest imprudence added to guilt. For, though he shall suffer the proofs of his guilt to be recorded upon the consultations and most solemn records of the Company, signed by his own hand, transmitted and authenticated by himself, and argued upon in his own defence, your Lordships are to know nothing of what the world knows but too much and feels but too well."*

After further observations of the same character, he asked permission to give in evidence a letter of Munny Begum, mentioned in the minutes, and charging Mr. Hastings with the receipt of money for the grant to her of the office of guardian to the Nawab of Oude, then a minor, arguing at great length on the propriety of its admission. The decision was referred by the Managers to the Lord Chancellor, who rejected the evidence. They then called Mr. Francis, as a witness to prove the delivery of the letter to the Council, but their questions were objected to and they suffered him to withdraw. Various papers were read in evidence, and the Court adjourned.

On the following day, the 28th of May, an objection by the Counsel of Mr. Hastings to admit as evidence a commission from the Council of Calcutta to Mr. Goring, to inquire respecting alleged embezzlements of the Nawab's revenue, under the administration of Munny Begum, was overruled. A long discussion ensued on the admission of the Begum's answers to queries drawn up by Mr. Hastings and

Objection
to a letter
of Munny
Begum.

Objections
to evidence
overruled.

1789. proposed to her by the Council. The decision of the Court was again in favour of the Managers.

Various
matters of
evidence
rejected.

June the 10th, the forty-sixth day of the trial, was occupied by unsuccessful efforts on the part of the Managers to obtain the admission of various matters of evidence, viz., a letter of Mr. Goring relating to the money received by Mr. Hastings from Munny Begum, under pretence of an entertainment; objected to as irrelevant:—the Persian original of the Begum's letter to the Council of Calcutta relative to the same transaction; opposed by the Counsel and rejected by the Court:—evidence by Mr. Goring of the delivery to him by the Begum of the same letter, with her acknowledgment of the presentation of the money to Mr. Hastings for his entertainment; similarly opposed and rejected:—lastly, a charge of bribery against Mr. Hastings by Raja Goordass, which Mr. Burke endeavoured to have read, by stating that the object was to infer from the demeanour of Mr. Hastings, when he was made acquainted with that charge, a proof of his guilt. The Lord Chancellor objected that the demeanour ought to be first proved. Mr. Burke termed the decision preposterous. Lord Kenyon remarked upon the expression as disrespectful to the house. Earl Stanhope vindicated Mr. Burke; who pacified the Court by explaining that he used the word as meaning “putting the cart before the horse.”

On the 11th of June, every effort was made by the Managers to procure the admission in evidence of the translation of a letter from the Begum to Mr. Hastings, which had been delivered to the Select Committee of the House of Commons by Major Scott, and in which she affirmed the presentation to him of a lac and a half of rupees. At the close of the day the Lords adjourned to their chamber to consider their judgment, which was not delivered till the 17th of the month. It was in the simple terms that the letter ought not to be read.

An incident in the proceedings of the 11th of June deserves notice, as characteristic of the tone and temper

exhibited in the conduct of the trial. In the course of 1789. the altercations between the Managers and the Defendant's Counsel, Mr. Law asserted the principle, that, unless a ^{Disrespectful expressions used by Mr. Law.} prosecutor could establish his charges by evidence, they ought to pass for slander and calumny; and, having subsequently stated that he had the authority of the House of Commons for declaring that Mr. Burke had used slanderous and calumnious expressions, not warranted by his instructions from them, he explained that he was aware of their opinion by what had fallen from Mr. Burke himself, in his account in that Court of late proceedings in the House. This reflection on the conduct of the prosecution was caught up by Mr. Fox, who indignantly declared his determination not to proceed in the trial until the Court had expressed its opinion respecting Mr. Law's language; and the Managers were only at length quieted by a declaration of the Lord Chancellor that it was indecent to apply the terms slander or calumny to any thing that was said by authority of the House of Commons.

The remainder of the 17th of June, after the admission of a single paper, was occupied in an endeavour by the Managers to induce the Court to receive in evidence official accounts of sums given by Raja Goordass and Munny Begum to Mr. Hastings, as bearing on the fact of Mr. Hastings having reappointed them to their respective offices. The Lords withdrew to their own chamber at half-past two o'clock, and, after debating the point, drew up a question upon it, which they referred to the Judges, who, on account of its importance, desired time to consider their decision. ^{Question referred to the Judges.}

On the next day of the trial, the 24th of June, the Lord Chancellor announced the resolution of the House, that the accounts "ought not be read." Before proceedings were resumed, Lord Porchester proposed that two other questions, which he wished to read, should be referred to the Judges; but, as it was not according to form for the Lords to discuss such proceedings out of their own chamber, they immediately withdrew, and the trial was adjourned for six days.

1789. On the 29th of June, the Lords went into Committee to
 — “inquire into the usual method of putting questions to the Judges and receiving their answers in judicial proceedings.” After the reading of precedents and much debate, it was resolved, “That the proceedings on the trial of Warren Hastings, Esq., had been regular, and conformable to precedent in all trials of a similar nature.”

Efforts to put in evidence a statement of the Begum's of presents made to Mr. Hastings.

The 30th of June was consumed in efforts made by the Managers to obtain the admission in evidence of a letter of Mr. Goring, containing accounts given by Munny Begum of presents made by her to Mr. Hastings. The first claim for its admission was grounded on the fact of its having been received and entered as read, and printed at length in the Appendix to the “Minutes of the Evidence,” though an extract only had been actually read in Court and printed in the Minutes themselves. The decision of the Lords was, that “the papers printed in the Appendix, over and above what were actually read, have never been read, nor received by the House as read.” The admission of the letter was subsequently urged by the Managers, because it formed part of a consultation which had already been read, and also because it had been rendered evidence by the demeanour of Mr. Hastings, who had requested the court of Directors to read and consider it. The Lords adjourned to their own chamber to consider their decision.

Decision against its admission.

Objection to evidence disproving the Nawab of Oude's sovereignty.

On the next day of the trial, the 2nd of July, the Lord Chancellor informed the Managers that “the letter of Mr. Goring, of the 29th of June, 1775, ought not to be read.” Other documentary evidence was then put in by the Managers; but they were opposed in an attempt to read a paper, offered to disprove the Nawab of Oude's claim to be considered a sovereign prince, Mr. Hastings having justified his re-appointment of Munny Begum to the regency of that country by alleging the will of the Nawab, who had the right of appointing. The Lords, as usual, withdrew to their own chamber to discuss the arguments of either side.

On the next day of the trial, the 7th of July, the

decision of the Lords was announced, that the paper 1789.
above referred to ought to be read. The remaining writ-
ten evidence was tendered by the Managers in support
of the first portion of the sixth charge, and admitted.
Mr. Burke then stated that, as Mr. Hastings had asserted
that the Begum's answers to queries transmitted to her by
Mr. Hastings had been obtained by Mr. Goring in an un-
justifiable manner, he desired to call Mr. Goring to prove
that he had used no improper influence to procure the
answers in question. Mr. Law objected that, as the
Managers had produced the minutes entered by Mr. Hast-
ings as evidence against him, these minutes ought to be
considered as the witnesses for the prosecution, and there-
fore the Managers ought not to be allowed to disparage them
by afterwards endeavouring to prove they were false. After
hearing the arguments at length between the Managers and
Counsel for the Defendant, the Lords withdrew for consid-
eration of the question.

Decision
against the
objection.

Objection
against dis-
paraging
their own
evidence.

On the following day the Court again met, and the Lord
Chancellor announced the decision of the Lords in the terms
"that the question proposed to be asked of the witness by
the Managers ought not to be put." Mr. Burke expressed
the disappointment of the Managers at this resolution of
their Lordships. He protested against it as tending to the
utter subversion of all justice—

Supported
by the
Lords.

Protest of
Mr. Burke.

"We proposed to your Lordships to prove Mr. Hastings guilty by
showing the falsehood of the pretext which he made to cover his actions.
Your Lordships permitted us to read the pretext, and we would have
produced the evidence to prove the falsehood of this pretext. Your
Lordships have refused us that : by which we stand in this unlucky cir-
cumstance, that we seem, *primâ fronte*, to have produced evidence
against ourselves, whereas we produced only the pretext, in order after-
wards to ground upon it the falsehood of that pretext. We are inter-
cepted between the one and the other."

He concluded his observations by stating that it was not
the intention of the Managers to adduce any further evidence,
at present, upon the branch of the sixth Article he had opened.

After a short address from Mr. Law, complaining of the

1789. licence taken by Mr. Burke in protesting against the decision of the Court, and of its injurious effect upon his client, from its possible influence upon public opinion, as well as from its obstruction to the proceedings, Mr. Anstruther offered to begin his opening of the remainder of the Article. But the Parliamentary session was drawing to a close, and the Lord Chancellor proclaimed the adjournment of the trial to the first Tuesday in the next session. Before his Lordship had left the woolsack, Mr. Hastings claimed to be heard, and addressed the Court in the following words :—

Close of the session of 1789.

Mr. Hastings' address, 8th July, 1789.

“ My Lords, I feel myself unfit for the occasion which calls upon me to state to your Lordships what I feel of the unexampled hardships of this trial. I came here not prepared for such an event as I see is now impending. I beg that your Lordships will indulge me but for a few minutes while I recollect myself. I beg you will consider the situation in which I stand, as well as the awe which I must feel before such an assembly.

“ My Lords, I have already, in an humble petition, presented to your Lordships at the beginning of this year, stated the hardships and grievances, and but a part of the hardships and grievances, which I thought I should sustain when only one year of this impeachment had passed. Those, my Lords, have accumulated ; many of them proportionably accumulated by the time which has since passed ; but, in my sense of them, have been infinitely aggravated when I have seen so little done and so much time consumed ; and yet not one tenth part of one single Article, out of twenty which compose the charge, has occupied your Lordships' time the last five months. And what period shall I estimate for the remainder of an impeachment, where so little has been done and so much time already consumed ? My life is not sufficient, in any estimation of it, for a Parliamentary inquiry ; and I do beseech your Lordships—I know not what to make the prayer of my petition ; but I do beseech your Lordships to consider what my health—what my life—what my fortune—must sustain, if it should be your determination that I shall wait until it shall please the justice or the candour of the honourable House of Commons, which has impeached me before your Lordships, to carry on this prosecution.

“ My Lords, I hope I shall not be thought to deviate from the respect which I feel, I am sure, equally with any man living, for this very august assembly, if I say that, had a precedent been presented to me of a man impeached, as I have been, whose trial had been protracted to such a length, and to such a length as mine probably is to be protracted—if this had been put before my eyes, and I had seen the consequences to which I should have been exposed by such an impeachment—I pray

your Lordships will pardon me if I say I would have pleaded guilty. I would not have sustained the trial. I would rather have rested my cause and my character, dearer to me than life, upon that truth which sooner or later will show itself for the clearing my integrity, than have submitted to a trial which of itself would have proved a hundred times severer than any your Lordships could have inflicted upon me, had you tried me and found me guilty. Had I pleaded guilty, you could not have inflicted a punishment upon me more severe than that I experience by a life of impeachment.

1789.
—

“ I only beg to submit my case to your Lordships, that, if it is in your power to apply a remedy to the hardships I sustain and am sustaining, you will do it. I cannot propose anything so ungracious as that your Lordships should waste more of your time in the continuation of this trial, when so much of the year has passed, and when, by the custom of this country and the custom of Parliament, I believe, it has been always usual for the Lords to retire from the business of the session ; and I do wish to submit myself to your Lordships’ justice and to your Lordships’ clemency. Yet, if the honourable Managers could propose a short time—a period such as your Lordships could give for the remainder of this impeachment, which, I have been told, perhaps falsely, was to end with the present Article of charge—I would rather waive my defence—I would rather pray your Lordships to proceed to judgment, even upon the evidence which they have adduced on the part of the prosecution only—than wait longer, to I know not what time, for the regular conclusion of it.

“ I hope I have said nothing which can be deemed disrespectful to the Court—I am sure I have felt nothing like it—and I submit myself.”*

Whatever disposition might be felt by the House to meet the wishes of Mr. Hastings by continuing the proceedings over the usual period, the approaching absence of the Judges, on circuit, rendered this impracticable. Yet a paragraph appeared in a newspaper called “ The World,” complaining of want of spirit in the Lords, to put an end to the proceed-

Libel
against the
House of
Lords.

* To this address of Mr. Hastings the following answer was made by the *Lord Chancellor*.—“ Mr. Hastings, the Lords will certainly take into consideration everything of the sort that has been alleged on your part, and which can possibly be conducive to the justice of the case. You will recollect that this is not at the instance of the Managers at all, but merely with a view to see how the best justice can possibly be done ; and, in any rule which the Lords can come to, they will undoubtedly entertain a full consideration of all those matters upon which the justice of the case ought to turn.”

Mr. Hastings.—“ I rely with perfect deference upon your Lordship’s justice.”

1790. ings. This was brought to the notice of the House of Commons by Mr. Marsham, and, on his motion, supported by Mr. Burke, it was voted a scandalous libel on the House, and a prosecution was instituted.

Resumption
of the trial.
16 Feb. 1790.

Mr. An-
struther's
opening of
the re-
mainder of
the sixth
Charge con-
cerning pre-
sents.

Objections
of irrelevant
evidence
overruled.

Examina-
tion of
Mr. Wright.

Objection to
evidence of
the corrupt
character of
Kelleram.

On the 16th of February, 1790, the fifty-fourth day of the trial, the Lords again entered Westminster Hall in formal procession, and prepared to resume the proceedings. Mr. Hastings having, as usual, been brought to the bar, on his knees, was permitted to rise; and Mr. Anstruther immediately commenced his Opening of the remainder of the sixth charge, on the subject of presents alleged to have been illegally received by Mr. Hastings. His speech, in which the facts of the case were very simply and effectively stated, occupied the day's sitting.

On the 18th and 23d of February, the Court was engaged in receiving written evidence, adduced by Mr. Anstruther, on the subject of that part of the charge he had opened. On each day, prolonged discussions arose between the learned Manager and Mr. Law, on objections made by the latter that the evidence referred to matters not charged in the impeachment. The judgment of the Lord Chancellor was in Mr. Anstruther's favour.

On the 25th of February, the fifty-seventh day of the trial, Mr. Wright, of the East India Company's Accountant's office, was examined on the comparative expenses of the old revenue establishment and that instituted by Mr. Hastings. After which, Mr. Anstruther was proceeding to put in evidence to show the corrupt character of Kelleram, whom Mr. Hastings had appointed collector of Behar, and from whom he was charged with having received four lacs of rupees, equal to 40,000*l*, but he was stopped by Mr. Law, on the ground that Kelleram's character and fitness for his office formed no part of the charge against Mr. Hastings. After a discussion, supported by Mr. Anstruther and, at great length, by Mr. Burke, on the one side, and by Mr. Law on the other, the Lords withdrew to their own chamber. In

about half an hour's time they returned, and the Lord Chancellor informed the Managers that they were restricted from giving evidence of the unfitness of Kelloram for his appointment, "the fact of such unfitness not being charged in the impeachment." Mr. Burke reflected with severity on their Lordships' judgment. He complained that the case determined on was not the case the Managers would have proposed. He asserted that "the Commons of Great Britain are not bound by any rules of pleading;" that, as laymen, they were ignorant of the doctrine of pleading, and could only be guided by rules of equity; that the proposed evidence was to prove aggravation of an offence charged, and that Mr. Hastings had a perfect knowledge that such aggravations would be charged against him. After the reading of further evidence the Court adjourned.

Objection allowed.

Mr. Burke's reflections on the Lords' decision.

The next sitting of the Court, which was not till the 22nd of April, was entirely occupied in arguments between the Managers and Counsel on the admissibility of evidence, to show that the lease granted to Kelloram by Mr. Hastings of the collectorship of Behar was injurious to the interests of the Company. The acceptance from Kelloram of the sum of four lacs of rupees had been admitted by Mr. Hastings; and it remained to show that he had received it from a corrupt motive. It was, therefore, important to the case to prove primarily that the lease was not a beneficial one for the Company; and they were prepared to show that Kelloram was in great arrears in his payments. The objection made to the evidence was, that what it was offered to prove was not made a matter of charge in the Article. The point was argued for a long time between the parties; and, at length, the Court was adjourned to the 27th, in order to give time to the Lords to consider their decision.

Question of admission of evidence of injury to the Company by Kelloram's lease.

On the Court reassembling, late in the day on the 27th, the Lord Chancellor announced that it "was not competent to the Managers to produce evidence to prove that Kelloram's rent was in arrear." Mr. Fox complained that the Court was peculiar in delivering its judgments without communi-

Decided against the admission.

Complaint by Mr. Fox of the Lords'

1790.

—
silence on
the grounds
of their
decision.
Examina-
tion of
Mr. Hudson
and
Mr. Young.

Attempts to
elicit Kel-
leram's un-
fitness for
his office.

Decision
against a
question
proposed by
Managers.

Remon-
strance of
Managers.

Objection to
evidence as
referring to
matters not
in the
charge.

Objection
allowed.

cating the grounds on which they were formed; but was unable to elicit explanations from the Lord Chancellor, beyond the statement, "that the order of the House rejects the evidence as inapplicable to this charge." The examinations of witnesses was then proceeded with, and Mr. Hudson, of the India House, and Mr. Young, formerly a member of the Provincial Board of Revenue at Patna, were called. Several attempts were made by the Managers to elicit the fact of Kelloram's unfitness for the collectorship, which were with equal tenacity resisted by the Counsel; and, at length, a question put to Mr. Young by Mr. Anstruther, and leading in the same direction, having been objected to by Mr. Law, the Lords withdrew to consider their decision.

On the 29th of April, the sixtieth day of the trial, the Court again assembled, and the Lord Chancellor announced the judgment of the Lords, that it was not competent to the Managers to put the question, "What impression the letting of the lands to Kelloram and Cullian Sing made upon the minds of the inhabitants of Bchar." Again the system acted on by the Court, in announcing its decisions without explanation of the grounds they were formed on, was attacked by Mr. Fox, Mr. Windham and Mr. Burke, who professed themselves quite in the dark as to the principles on which their Lordships' judgment was founded. A statement was offered by Earl Stanhope, which only served to provoke further remonstrances. The examination of Mr. Young was continued, but was again interrupted by the objection of Mr. Law to a question, whether the country had been oppressed by Gunga Govind Sing, diwan to the Committee of Revenue in Calcutta. He urged that, although, at the end of the charge, the Commons had said—"to the great oppression and injury of the said people"—these words must be considered as inferences of law, and not substantive charges. A long argument ensued, and the Court adjourned without a decision.

On the 4th of May, the Lords resumed the proceedings, and their judgment on the question raised at their last

sitting was adverse to the Managers. After considerable consumption of time in altercations on the manner of putting a question to Mr. Young, this witness was ordered to retire, and Mr. Anderson, who had been the President of the new Revenue Board established by Mr. Hastings, was examined. 1790.
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Examination of Mr. Anderson.

On the 11th of May, the examination of Mr. Anderson was continued.* Both this witness and the gentleman next called, Mr. Moore, were examined respecting the character of Gunga Govind Sing. An attempt was made by Mr. Hastings' Counsel to injure Mr. Moore's credit, by making him state that he had been dismissed from his office; and much time was occupied, on this and the next court day, the 18th of May, in explanations on this subject.

Or Mr. Moore.

Attempt to discredit the witness.

The remainder of the sitting on the 18th of May was occupied in the examination of Mr. William Harwood, a gentleman who had held office in the revenue department.

Examination of Mr. Harwood.

An effort was made by the Managers to go into evidence respecting the cruelties alleged to have been exercised by Deby Sing on the inhabitants of Dinagepore, and which had been detailed with terrible force by Mr. Burke in his General Opening of the prosecution. Their object was opposed by Mr. Hastings' Counsel. The Lords withdrew to consider the question raised; and, on their return, the Lord Chancellor informed the Managers "that it was not competent for them to give evidence of the enormities actually committed by Deby Sing, the same not being charged in the impeachment." On the announcement of their Lordships' decision, Mr. Burke remarked on the injury done to the cause by this exclusion of a charge in which Mr. Hastings' character was deeply concerned.

Objection to evidence of Deby Sing's cruelties.

Objection allowed.

* Much merriment was occasioned by the answer of this witness to the question in reference to an opinion expressed by him relative to a movement of troops, whether he was a military man: his reply being, "that he most certainly was not, though he had been two years in the militia." It is stated in the "History of the Trial," that "this high compliment to the military character of the militia raised a loud laugh in every part of the hall. Many of the peeresses joined heartily in it, looking at the noble Judges in the body of the Court, many of whom wore militia cockades."—Part III., p. 22.

1790. Much violent altercation ensued. Mr. Burke insisted on his ability to prove the atrocities he had described, and complained of being thwarted in his intention of bringing forward evidence upon them, adding that, "when the accusation was first made, the prisoner's Counsel called for proofs, and now when these are offered, they shrink from them and will not hear them." Mr. Law, with great warmth, retorted that the honourable Manager was bold only because he knew the proof which he spoke of could not be received, and exclaimed with violence, "I call upon your Lordships, for the honour of your Lordships and the justice of Great Britain, that the honourable Manager may couch all he has said in a charge, that Mr. Hastings may have an opportunity of meeting it; and, if he does not falsify every matter of cruelty that the Managers have repeated over and over again, may the hand of this House and may the vengeance of Almighty God fall heavy upon him!"*

Remarks of
Mr. Burke.

Mr. Law's
challenge to
the Managers
to put
Deby Sing's
cruelties in
the charge.

Objection to
evidence falsifying
a letter of
Mr. Hastings.

On the 20th of May, the sixty-fourth day of the trial, after examination of an oral witness, the Court was engaged in hearing arguments, chiefly of Mr. Anstruther, on the admissibility in evidence of a letter of Mr. Hastings to the Directors, dated the 13th of April, 1781, and offered by the Managers as falsifying the contents of another letter from Mr. Hastings to the Directors, dated the 5th of May, 1781, and as showing that he had imposed upon them with respect to the appointment of the new Committee of Revenue, and that he had let the lands of the zamindars to men of unfit character. The Lords withdrew to consider their decision.

Objection
allowed.

On the 2d of June, the Lord Chancellor announced their Lordships' judgment,—“that it is not competent for the Managers to give any evidence upon the seventh Article of impeachment, to prove that the letter of the 5th of May, 1781, is false, in any other particular than that wherein it is expressly charged to be false.” The remainder of the sitting

* Gurney's Report of the Evidence, MS.; and "History of the Trial."

was occupied in examining witnesses and receiving written evidence submitted by the Managers. 1790.

On the two following court days, the 7th and 9th of June, Mr. Fox summed up the whole of the evidence; which had not been limited to the sixth Article, opened by Mr. Burke, but had been extended to a part of the seventh and the whole of the fourteenth Articles, bearing upon the same subject of illegal presents.

It is stated in the "History of the Trial," that "the hall was as much crowded this day as it had been through the whole of this important trial. Public curiosity was wound up to a higher pitch than on any former day, and every part of the hall was crowded to overflowing." On the conclusion of his speech the Court adjourned, and a message was subsequently sent from the Lords to the House of Commons that the trial was put off to the first Tuesday in the next session of Parliament.

The trial had now lasted sixty-seven days, and had extended through three sessions of Parliament. In this period, four only and part of a fifth, out of the twenty Articles of the impeachment, had been brought forward. Mr. Hastings' friends were loud in their complaints of the tediousness of the proceedings, and the heavy expenses he incurred in sustaining so prolonged a prosecution. Convinced of the impracticability of dealing with all the Articles with the same amount of care, and supporting them with the same fulness of evidence, the Managers had already resolved to apply to the House of Commons for authority to shorten future proceedings by abandoning such of the charges as they should see fit. On the 11th of May, Mr. Burke brought forward a motion in the House to this effect. He entered at large into a justification of the measure of impeachment. He spoke of the duration of the trial—that it had occupied sixty-three days, and, allowing an average of three hours to each day's sitting, they had spent one hundred and eighty-nine hours in Westminster Hall. He referred to

Mr. Fox's
summing of
the evidence
on the
charge
relating to
presents.

Application
by Managers
to the
House of
Commons to
drop parts of
the charge.

Speech of
Mr. Burke.

1790. — two petitions of Mr. Hastings complaining of the injuries he suffered from the length of the proceedings ; and charged him with attempting to evade justice by impeding the proceedings in the trial, in order to gain time. To the resolution authorising the Managers “to insist only upon such and so many of the charges as shall appear to them the most conducive to the obtaining speedy and effectual justice against the said Warren Hastings,” was added a second, pledging the House to persist in the impeachment until justice could be obtained. The latter resolution was objected to, but not opposed, by Mr. Pitt, and they both passed.

Letter of
Major Scott
reflecting on
the Managers.

But the debates did not terminate with the passing of these resolutions. In reference to Mr. Burke's speech, in introducing them, a letter appeared in Woodfall's “Diary,” of the 20th of May, signed by Major Scott, and in which he contradicted Mr. Burke's statement that Mr. Hastings' complained of having been put to an expense of three thousand pounds in procuring copies of papers at the India House, and charged Mr. Burke with reviving a calumny refuted a year ago. The letter further endeavoured to show that the length of the trial was owing to intentional efforts of the Managers to protract proceedings.

Voted
libellous.

On the following day, the 21st of May, General Burgoyne brought this letter to the notice of the House. Major Scott was called upon to make his defence, which he immediately delivered at great length. Mr. Sheridan moved that the letter was a scandalous and libellous writing ; but Mr. Pitt moved an adjournment, to allow time to consider the character of the letter.

Major Scott
reprimanded.

On the 27th of May, the House resumed the debate, and Major Scott was allowed to add further remarks to his defence. Mr. Burke, Mr. Fox and Mr. Dundas, delivered their opinions, and the motion was carried without a division. It was further moved and carried that Major Scott had violated his duty as a member, and had been guilty of a breach of the

privileges of the House. It was then moved, that he “be reprimanded at the bar of the House by Mr. Speaker.” An amendment to the terms of the motion was proposed by Mr. Pitt, by substituting “in his place” for “at the bar of the House,” and, after a long debate, was assented to; and, on the 28th of May, Major Scott received the reprimand of the House through the Speaker.*

1790.
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The dissolution of the Parliament having taken place after its adjournment, on the 9th of June, 1790, a new Parliament was summoned to meet on the 25th of November following. But the already slow pace of the proceedings in the trial was now reduced to a stand-still by a question affecting its very being; for it began to be freely discussed among Mr. Hastings’ friends whether the impeachment had not abated by the dissolution of Parliament.

Dissolution
of Parlia-
ment.Question of
abatement
of the Im-
peachment.

On the 30th of November, before the address on the King’s speech had been moved, Mr. Burke drew the attention of the new House to the importance of proceeding with the trial, and hinted at probable attempts to make the incident of the dissolution a pretext for stopping it.

Motion of
Mr. Burke
for proceed-
ing with the
trial.

On the 9th, the 17th, 22d, and 23d of December, the House debated on the question of going into committee, to consider the state in which the impeachment was left at the dissolution of the last Parliament, a counter resolution having been moved, that a committee be appointed for the purpose of examining precedents. Mr. Erskine was the principal supporter of this proposition, and he evinced much research in his arguments to prove that the impeachment had either altogether abated or could not be resumed *in statu quo*. Mr. Addington, the Speaker, produced a book of precedents, collected from the best authorities, to prove the contrary principle, and Mr. Pitt spoke with great clearness and effect on the same side of the question. The number who voted against a committee to search for precedents was

Counter-
motion for
searching
precedents.

Its defeat.

* See the “History of the Trial,” Part III., pp. 24, *et seq.*

1790. 143 to 30. Although Mr. Burke took part in the debate, it was remarked that he left to Mr. Addington the labour of collecting precedents, and to Mr. Pitt the part of answering Mr. Erskine; but he privately stated that, though he was firm in his judgment and ready with precedents, he was desirous that Mr. Pitt's concurrence in his opinions should be generally known.*

1791. On the 14th of February, after the recess, Mr. Burke moved for continuing the trial, and, as a preliminary measure, proposed—"that the Managers proceed no further than in the charges on which they have closed their evidence, except the charge relating to contracts, pensions and allowances." An effort was made by various members, including Mr. Jekyll and Mr. Ryder, who moved amendments on Mr. Burke's motion, to stop the trial entirely; but the original question was carried, after divisions on the amendments, of 54 to 194, and 79 to 161. The Managers were immediately reappointed to continue the prosecution.

Motion of
Mr. Burke
to abandon
portions of
the charge.

Defeat of
amend-
ments to
stop the
trial.

Question of
the abate-
ment dis-
cussed by
the Lords.

Committee
for prece-
dents.

But the question of abatement or non-abatement by a dissolution was not disposed of by the mere vote of the House of Commons. The decision lay with the House of Peers; and the subject was brought before them on the 17th of February by a message from the House of Commons, delivered by Mr. Burke, supported by Mr. Pitt, on his right hand, and Mr. Fox, on his left, and attended by more than one hundred members. The Lords were informed that the Commons had resolved to continue the impeachment, and they were desired to fix a day for resuming the proceedings. Lord Grenville immediately moved the appointment of a committee to examine the journals for precedents; which was ordered. The report of the committee was brought up on the 19th of April, and the debate upon it took place on the 16th of May, Lord Porchester moving "that a message be sent to the Commons to inform them that

* So stated by Mr. Adolphus in his "History of England," "from private information, and an unpublished letter of Mr. Burke," vol. vi., p. 166.

they (the Lords) were ready to proceed on the trial of 1791.
 Warren Hastings, Esq." The Lord Chancellor recommended that they should first consider whether the impeachment had abated or not. Lord Radnor moved to refer this question to the Judges. His motion was rejected by a majority of 70 to 20; and, after further debate, the original motion was carried by a majority of 66 to 18. The following Monday was fixed for proceeding to Westminster Hall.

Vote for
 continuing
 proceedings.

Accordingly, on the 23d of May, 1791, the sixty-eighth day of the trial, the Hon. Andrew St. John, on the part of the Managers, opened the fourth Article of the impeachment, relating to corrupt contracts and agencies, and illegal allowances. The Article charged Mr. Hastings in general terms that, in pursuance of a system of profusion and prodigality, and with a view to enrich his favourites and dependants, he entered into many contracts, without attention to repeated orders from the court of Directors to advertise them publicly; and that he "authorised and approved of many enormous salaries and extravagant allowances to his favourites." The particular charges were, in effect:—"That, in the year 1781, he granted to Stephen Sullivan, son of the Chairman of the court of Directors, a contract for the provision of opium for four years, without advertising for proposals, and upon extravagant terms, "for the purpose of creating an instant fortune to the said Sullivan;" and that the contract was transferred from party to party for large sums of money:—That, upon pretence that no purchaser had offered for the opium so contracted for, he advanced money to the contractor, and engaged in a smuggling transaction, in order to dispose of it in China, to the loss of the Company and the disgrace of the British character:—That, having, in the year 1777, accepted proposals for providing draft and carriage bullocks to the army for three years, without advertising for the same, he afterwards dissolved the contract, and entered into a new contract for five years with

Mr. St. John's
 opening of
 the Fourth
 Charge,
 relating to
 contracts.

Substance of
 the charges.

1791. his confidential friend, Charles Croftes, for the provision of
 --- a number of bullocks far exceeding the requirements of the army, and at a rate infinitely higher than the previous contract:—That the said contract for bullocks was extended to a sixth year, by the neglect of Mr. Hastings to give notice for its termination, as commanded by the Directors; and that he subsequently purchased the relinquishment of the contract at an extravagant price:—That, in the year 1779, with a view to increase his own influence, he created an establishment for Sir Eyre Coote, the Commander-in-Chief, at an expense of about 18,000*l. per annum*, and fastened the same upon the Nawab of Oude, contrary to treaties:—That, contrary to express orders of the Directors, in 1780, he, on his sole authority, continued large allowances to Sir Eyre Coote, to the extent of 21,654*l. per annum*:—That, in December 1780, he appointed James Peter Auriol to be agent for the purchase of supplies to the different Presidencies, at a time of scarcity, with a commission of fifteen *per cent.*, the usual commission being only five *per cent.*:—That, in 1776, he induced the Council to create an unnecessary appointment of an agent for the supply of stores for the garrison of Fort William, and nominated to it his confidential friend John Belli; that he procured him a commission of thirty *per cent.*, and, afterwards, converted the agency into a contract for five years.

Immediately on the conclusion of Mr. St. John's opening speech, Mr. Hastings rose and addressed the Court in the following words:—

“ My Lords, I shall take but a very few minutes of your Lordships' time, but what I have to say I hope will be deemed of sufficient importance to justify me in requesting that your Lordships will give me so much indulgence.

“ A charge of having wasted 584,000*l.* is easily made where no means are allowed for. It is not pleasant for me, my Lords, from week to week, from month to month, and from year to year, to sit here to hear myself accused of crimes, many of them of the most atrocious dye, and all represented as such, and to feel that I never shall be allowed to

answer them. My Lords, in the life of a man already approaching very near to the close of it, as mine does, four years, in which his reputation is to be branded to the world, is too long a period. I never expect to be allowed to come to my Defence, nor to hear your Lordships' judgment upon the trial. I have long been convinced of it. Nor has the late resolution of the House of Commons, which I expected to have heard announced to your Lordships here, afforded me the least glimpse of hope that the termination of my trial is a bit the nearer. My Lords, it is now four years complete since I first appeared before your Lordships' bar. Nor is this all. I came, my Lords, to your bar with a mind sore from another inquisition in another place, which commenced—if I may be allowed to date it, because I had that impression upon my mind which obliges me to do it, I may date it from the day on which I arrived in this capital upon my return to England, after thirteen years service. On that day was announced to the House of Commons the determination of arraigning me for the whole of my conduct during my government. I have been now an accused man during six years. I now approach very near—I do not know whether my recollection fails me, but I believe I am now sixty years of age; and, my Lords, can I waste my life in sitting here to hear myself from time to time arraigned—not only arraigned, but tortured with invective of the most atrocious and virulent kind? I appeal to every man's feelings whether I have not borne more than many even of your Lordships would bear, and with a patience that nothing but a consciousness of my own integrity and respect for your Lordships could have enabled me to bear.

“ My Lords, as the House of Commons have declared their resolution that, for the sake of speedy justice—I think that was the term—they have ordered their Managers to close their prosecution with the Article which has now been opened to your Lordships and to abandon the rest, I now see a prospect, which I never saw before, but which it is in your Lordships' power to realise, of a close to this disgraceful situation in which I have been so long placed; and, however I may be charged with the error of imprudence, I am sure I shall not be deemed guilty of disrespect to your Lordships in the request I have to make. That request is, that your Lordships will be pleased to grant me that justice which every man in every country in the world, free or otherwise, has a right to—that where he is accused he may defend himself—that where he is accused he may have the judgment of the Court upon the accusation. I, therefore, do pray your Lordships, notwithstanding the time of the year—I feel the weight of that reflection upon my mind—but I pray your Lordships to consider, not the unimportance of the object that is before you, but the magnitude of the precedent, which every man in this country may bring home to his own feelings, of a criminal trial suspended over his head for ever. Every man may be liable to that trial which I now sustain, but, in the history of the jurisprudence of this country, I am told—and I have taken some pains to search, and as far as my search can go it has been verified—there never yet was an instance of a criminal trial that lasted

1791. four months, before mine, nor even one month, excepting in one instance —an instance drawn from a time and from a situation of this government which I hope will prevent it ever being drawn into a precedent for this or for any enlightened time. My Lords, the request that I have to make is, that your Lordships will be pleased to continue the sitting of this Court until the prosecution shall be closed, I shall be heard in my defence, and your Lordships shall have proceeded to judgment. My Lords, it is not an acquittal that I desire—that will rest with your Lordships and with your own internal conviction—I desire a defence, and I desire a judgment, be that judgment what it may.

“ My Lords, I have humbled myself before this Court, and have been reproached. I am not ashamed to bow before an authority to which I owe submission, and for which I feel a respect that exacts it as a willing oblation from me. I now again with all humility present myself an object to your justice and to your humanity; for I am not a man of apathy, nor are my powers of endurance equal to the tardy and indefinite operation of Parliamentary justice. I feel it as a very cruel lot imposed upon me, to be tried by one generation and, if I live so long, to expect judgment from another. For, my Lords, are all the Lords present before whom I originally stood? Are not many gone to that place to which we must all go? I am told that there is a difference of more than sixty in the identity of the judges before whom I now stand.

“ My Lords, I pray your Lordships to free me from this state of unexampled suspension. I again repeat my request that you will be pleased to resolve to continue this session of your Lordships’ Court until the prosecution shall be closed, until I shall be heard in my defence, and until your Lordships shall have proceeded to judgment. If your Lordships shall please, I have drawn up a petition to that effect, in form, which I am very desirous of presenting now, or in any other manner which your Lordships shall think proper to order.”*

* The petition was as follows :—

“ To the Right Honourable the Lords Spiritual and Temporal in
Parliament assembled:

“ The humble Petition of Warren Hastings, Esq., late Governor General
of Bengal.

“ Sheweth,—

“ That your Petitioner, having long waited in anxious expectation of your Lordships’ determination respecting his reappearance at your Lordship’s bar, finds himself relieved from one source of suspense, by being again brought before this high court; and he has so great a confidence in the justice and dignity of your Lordships as to believe that, in this renewal of a trial so long depending, your Lordships mean to render it effectual to the ends of substantial justice, by prosecuting it without delay, until it shall reach its final termination. If such should be your Lordships’ purpose, your Petitioner will accept it as the greatest bounty which he can receive at the hands of your Lordships; but, should his trial be adjourned over to another year, he trusts that he shall not be considered as departing from the respect which he bears to your Lordships, if he presumes to say, that he shall feel it as an aggravation of the very severe lot which it has been his misfortune to experience, and of which he is the first example in the jurisprudence of this kingdom, if in any other a] cedent can be found, of a criminal trial being suspended over the

Mr. Burke rose immediately on the conclusion of this address. He protested against the imputation that the Managers had interposed delays in the proceedings. He justified the severity of language used by the Managers, by instancing the impeachment of Lord Macclesfield, who, he said, was charged with bribes, not with cruelty, while Mr. Hastings was "charged with horrors"—with the worst of crimes—with murders; and he offered to go on with the trial if the Crown should be induced to prolong the session till it could be completed. Mr. Fox also made some observations on the

1791.

—
Mr. Burke's
justification
of the conduct
of the
Managers.

head of an individual, living under a fixed law and a civilised government, during so long a period of his natural life, and so near the close of it.

"That four years are completely elapsed since your Petitioner was first compelled to appear at your Lordships' bar, to hear read and to answer to the charges preferred against him by the late Honourable House of Commons; but that he computes the origin of their impeachment from a much more distant date, the first notification of an accusatory process having been made so long ago as June, 1785, the process itself begun in February, 1786, and continued through one prorogation and many adjournments until May, 1787, when the impeachment was carried to your Lordships' bar; so that, in effect, though not in form, your Petitioner has been the subject of a criminal process before two Parliaments and through six successive years; yet his prosecutors to this time have closed their evidence upon three Articles only, namely, the first, second and sixth, omitting many points of those Articles, but selecting a very few points from the 7th and 12th, as explanatory of the sixth Article. That your Petitioner craves leave to represent that he did, in an early stage of the first inquiry, cause it to be represented to the late Honourable House of Commons, as his earnest request, that, if the said House of Commons should enter upon their journals any vote of crimination or censure against him, they would be pleased to allow your Petitioner the means of a fair and legal trial for the same; but that the object of your Petitioner, in making that request was, that he might be afforded the means of vindicating his character from the foulest and most unjust aspersions; but he has to lament that those aspersions should have been renewed and repeated from week to week, from month to month, and from year to year, without any power of reply or prospect of time allowed him for his defence and acquittal. That, great as his reliance is on your Lordships' justice, it is yet impossible for him, judging from past experience, not to feel the apprehensions of further delay, when he recollects that the last great adjournment of the Court, held by your Lordships in the preceding Parliament, was made on the 9th of June, and that in neither of the preceding years did it sit later than the 7th of July; that, therefore, the longest interval which he can compute for what remains of this session of Parliament, in its ordinary course, will be insufficient to enable your Petitioner to enter upon his defence, much less to bring it to a conclusion; but that he will have to sustain the intolerable grievance of seeing another year of prosecution added to the past.

"Your Petitioner, therefore, most humbly and earnestly prays your Lordships to take the particular and unprecedented hardships of his case into consideration, and to adopt such measures as your wisdom may devise for continuing the proceedings of your Lordships' Court, so that the trial may be brought to a close, and judgment given, before another prorogation of Parliament; your Petitioner craving leave to assure your Lordships that no unnecessary delay shall be made on his part, but that he will endeavour to take up as short a time as possible in his defence."

1791. statements of Mr. Hastings, who disavowed any intention of charging the Court "with injustice, or with being in any degree the cause of the delays which have happened."

Production of evidence on the Fourth Charge.

Summing of the evidence by Sir J. St. Clair, and close of case for the prosecution.

General defence read by Mr. Hastings.

Close of the session of 1791.

The 25th and 27th of May were occupied in the production of evidence, oral and written, on the charge relating to contracts, with occasional interruptions by the exceptions taken by Mr. Hastings' Counsel. On the 30th of May, the seventy-first day of the trial, Sir James Erskine St. Clair summed up the evidence, and the case for the prosecution was closed. At the conclusion of the Manager's speech, Lord Kenyon, who presided as Speaker, intimated to Mr. Hastings that he was at liberty to make his defence; and, at Mr. Hastings' request, the Lords consented to grant him a hearing on the following Thursday. Accordingly, on the 2nd of June, the seventy-second day of the trial, Mr. Hastings read at the bar of the Court a general defence of his administration of India, and an answer to the several charges that had been brought against him. He offered to forego the advantage of a more particular defence, in the expectation of drawing from his judges an immediate verdict, but reserved to himself the right of a formal defence by his Counsel should he be disappointed in that hope.* After hearing his address, the Court adjourned to the first Tuesday in the next session of Parliament.

1792. At the assembling of the Court, on the 14th of February, 1792, the seventy-third day of the trial, Mr. Law commenced his general opening of the Defence, in a speech of great power, which he continued on the 17th, and finished on the 21st of the month.

Mr. Plumer's opening of the Defence on the First Charge.

On the 23d of February, and the four succeeding court days, the 29th of February, the 1st of March, the 24th and 26th of April, from the seventy-sixth to the eightieth day of the trial, Mr. Plumer engaged the attention of the Court in an elaborate and lucid defence on the first Article of the impeachment. His speech closes the present volume.

* Mr. Hastings' Defence is printed in the present volume, D. 482.

Reports of the several speeches contained in the present volume have been accessible to the Editor in the following forms. Excepting Mr. Hastings' Address, all the speeches have been printed from Gurney's Notes.

I. *Burke's Opening of a portion of the Sixth Charge, on the 21st and 25th of April, and 5th and 7th of May, 1789.*

1. Gurney's contemporaneous report. 2. The same, revised by Mr. Burke, and printed among his works.

II. *Anstruther's Opening of the remainder of the Sixth Charge, on the 16th of February, 1790.* Gurney's Report. Besides the copies of this report in the Editor's hands and in the Library of Lincoln's Inn, another is preserved in the British Museum, Additional MS., 17,076, f. 70.

III. *Fox's Summing of the Evidence on the Sixth, part of the Seventh, and the Fourteenth Articles of the Charge, on the 7th and 9th of June, 1790.* Gurney's Report.

IV. *St. John's Opening of the Fourth Charge, on the 23d of May, 1791.* 1. Gurney's Report. 2. Fragment of the Report of Mr. Hastings' short-hand writer, for the seven first pages of the speech, in the British Museum, Additional MS. 17,073, f. 1.

V. *St. Clair's Summing of the Evidence on the Fourth Charge, on the 30th of May, 1791.* Gurney's Report.

VI. *Hastings' Address, on the 2d of June, 1791.* 1. Gurney's Report. 2. Report of Mr. Hastings' short-hand writer, formerly in the possession of Mr. Hastings' solicitors, and now in the British Museum, Additional MS., 17,073, f. 102. 3. Copy, apparently, of the notes from which Mr. Hastings' read his Address; printed in the "History of the Trial," Part IV., p. 81, and which is followed in the present publication.

VII. *Law's General Opening of the Defence, on the 14th, 17th and 21st, of February, 1792.* 1. Gurney's Report.

2. The same with occasional alterations, formerly belonging to Mr. Hastings' solicitors, and now in the British Museum, Additional MS., 17,077, f. 1.

VIII. *Plumer's Opening of the Defence on the First Charge, on the 23d and 29th of February, the 1st of March, and the 24th and 26th of April, 1792.* 1. Gurney's Report.

2. The same with alterations, formerly in the possession of Mr. Hastings' solicitors, and at present in the British Museum, Additional MS., 17,078, f. 1.

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COUNSEL FOR THE DEFENDANT, IN OPENING THE DEFENCE
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COUNSEL FOR MR. HASTINGS, IN DEFENCE UPON THE
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COUNSEL FOR MR. HASTINGS, IN DEFENCE UPON THE FIRST
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SPEECHES

IN THE

TRIAL OF WARREN HASTINGS, ESQ.

SPEECH OF THE RT. HON. EDMUND BURKE,
MANAGER FOR THE HOUSE OF COMMONS, IN
OPENING THE SIXTH ARTICLE OF THE
CHARGE, RELATING TO PRESENTS; 21 APRIL,
1789.

MY LORDS,—An event, which for a considerable time had spread an universal grief and consternation through this kingdom, and, in its issue, diffused as universal and transcendent a joy, has, in the circumstances both of our depression and of our exaltation, produced a considerable delay, if not a total suspension, of the most important functions of government.

21 APR. 1789.
Delay occasioned by the King's illness.

My Lords, we now resume our office; and we resume it with new and redoubled alacrity, and, we trust, under not less propitious omens than when we left it in this House at the end of the preceding session. We come to this duty with a greater degree of earnestness and zeal, because we are urged to it by many and very peculiar circumstances. This day we come from a House where the last steps were taken to prepare our way,—and, I suppose, something has happened similar in this,—to attend in the utmost solemnity a great national thanksgiving, in another place, for the restoration of the Sovereign to his Parliament and the Parliament to its duties.

National thanksgiving for the King's recovery.

But, my Lords, it is not only in the house of prayer that we offer to the First Cause the acceptable homage of our

Homage shown to the

21 APR. 1789.

Deity by execution of justice.

rational nature. My Lords, in this House—at this bar—in this place—in every place where his commands are obeyed his worship is performed; and, my Lords, I must be bold to say, and I think I shall hardly be contradicted by your Lordships, or by any persons versed in the law which guides us all, that the first act of religion, and the first homage which we pay and must pay, is an imitation of the divine perfections, as far as such a nature can imitate such perfections, and that by this means alone we can make our homage acceptable to him. My Lords, the first great distinguishing attribute by which we are held by the chain of causes to the first link of all, is the quality of justice; and in this solemn temple of representative justice we may best give praise, because we can best imitate those divine attributes, the resemblance of which alone can approximate us to their cause. If ever there was a cause in which justice and mercy are, not only combined and reconciled, but incorporated, it is in this cause of suffering nations which we bring before your Lordships, now, unwearied and unfatigued in our persevering pursuit, in the second session of Parliament. My Lords, we think that it is a necessary preliminary—that it is a necessary part—that it is a necessary attendant and concomitant—of every public thanksgiving, that we should give thanks with our virtues, and not merely with our mouths; that, when we are giving thanks for acts of mercy, we should render ourselves worthy of them by doing acts of mercy ourselves. My Lords, these considerations strongly urge us at present, independent of the great considerations which were our first movers in this business, to pursue with all manner of zeal and perseverance the great cause we have now in hand. And we think it necessary the more to say something upon this subject, because we cannot but be sensible that light, unstable, variable, capricious, inconstant, fastidious, minds soon tire in any pursuit that requires strength, steadiness and perseverance. Such persons, who are but few and who certainly do not resemble your Lordships nor us, begin already to say—how long is this business to continue? Our answer is—it is to continue till its ends are obtained.

Determination of the Managers to pursue the prosecution with vigour.

We know that, by a mysterious dispensation of Providence, injury is quick and rapid and justice slow; and we may say that those who have not patience and vigour of mind to attend the tardy pace of justice counteract the order of Providence, and are resolved that they shall not be just

at all. We therefore, instead of bending the order of nature to the laxity of our characters and tempers, are rather to confirm ourselves by a manly fortitude and virtuous perseverance, to continue in those forms, and to wrestle with injustice, until we have shown that those concomitant virtues which sometimes wickedness debauches into its cause, such as vigour, energy, activity, fortitude of spirit, will be called back and brought to their true and natural service; and that, in the pursuit of that wickedness—in the following it through all the winding recesses and mazes of its artifice—we shall show as much vigour, as much constancy, as much diligence, energy and perseverance, as any men can do in endeavouring to elude the laws and triumph over the justice of their country. My Lords, I say this, because it has been given out as if we might faint in this business. No; we follow, and trust we shall always follow, the great emblem held out to us by ancient nations, where the person who held out a long line of labours found the reward of all the eleven labours in the twelfth. Therefore our labour is our reward. We go on—we persevere—we pursue with vigour and diligence, in a manner suitable to the Commons of Great Britain, every mode of corruption, till we have thoroughly eradicated it.

I think it necessary to say a word, too, upon another circumstance, of which there is some complaint, as if some injustice arose on our part from voluntary delay. I have stated incidentally, first, the melancholy, then, the joyful, occasion of our delay. I shall now say a word to a complaint which I understand was formally made to your Lordships, soon after we had announced our resolution to proceed in this great cause of suffering nations before you. It has been alleged that the length of the pursuit hath very much distressed the person who is the object of it; that it leaned upon a fortune unequal to support it; and that 30,000*l.* had been already spent in the preliminary preparations for the defence. My Lords, I do admit that all true, genuine and unadulterated, justice considers the person whom it ought to punish with a certain degree of tenderness, and by no means oppresses those by the process who ought not to be oppressed but by the sentence of the court to which they are going to be brought. The Commons have heard with some degree of astonishment that 30,000*l.* hath been laid out by Mr. Hastings in this business. We, who have some experience in the conduct of affairs of this nature,—we, who profess not so much to proceed with regard to the economy as the vigour

Answer to the complaint respecting the costs of the proceedings to the defendant.

21 APR. 17-9. of this prosecution—and we are justified by our country in so doing—are much surprised to find [it so], upon a collation and comparison of the public expenses with those the defendant is supposed to have incurred. We are much surprised to have heard it. We suppose that his solicitors can give a good account to him of those expenses; that the thing is true, and that he has actually through them incurred this expense. But we have nothing to do with this: and we shall remove any degree of uneasiness from your Lordships' minds, and from our own, if we show you that, in the charge which we shall bring before you this day, one bribe only received by Mr. Hastings—the smallest of his bribes, or nearly the smallest—the bribe received from Raja Nobkissin—is alone more than equal to have paid all the charges he is stated to have incurred. And, if this be the case, your Lordships will not be made much uneasy, in a case of bribery, to think that you press upon the sources of pecculation.

Answer to the complaint that the public patience is wearied by the proceedings.

There is another circumstance. It has been said that we weary out the public patience in this cause. The House of Commons, who do not call upon your Lordships to do anything of which they do not set the example, have but very lately sat in the Colchester Committee within one or two days of the number of days that have been spent in this trial. Every cause deserves that it should be tried according to its nature and circumstances; and, in the case of the Colchester Committee, in the trial of paltry bribes—of odd pounds, shillings and pence—in the corruption of a returning officer, who is but a miller—they spent the same number of days that we have been inquiring into the ruin of kingdoms by the pecculation and bribery of the Chief Governor of the provinces of Bengal, Behar and Orissa.* Therefore, God forbid that we should faint at thrice thirty days, if the proceedings should be drawn into such a length, when, for a small crime, as much time has been spent as has been spent in this great cause already.

Having now cleared the way, at the beginning, with regard to the local and temporary circumstances of this case; having shown your Lordships, from a comparison of causes, that too much time has not been spent in this; having no reason to think, from the time that has hitherto been spent, that time will be unnecessarily spent in future—I trust your

* The votes had been even; but Mr. Tierney successfully resisted the return of his opponent, Mr. Jackson, on the ground of acts of bribery. The proceedings, after a long delay, terminated on the 5th of April 1799.

Lordships will think that time ought neither to be spared 21 APR. 1780 nor squandered in this business. Therefore we are to proceed, Article by Article, as far as the discretion of the House of Commons shall think fit, for the justice of the case, to limit the inquiry or to extend it.

We are now going to bring before you the sixth Article of this charge. It is an Article of charge of bribery and corruption against Mr. Hastings. But yet we must confess that we feel some little difficulty *in limine*. We here appear in the name and character of representatives of the Commons of Great Britain, the representatives of the inhabitants of Bengal; and yet we have had lately come into our hands such ample certificates—such full testimonials—from every person in whose cause we complain, that we shall appear to be in the strangest situation in the world—the situation of persons complaining who are disavowed by the persons in whose name and character they complain.* That might appear to be a very great difficulty in the beginning; especially as it is come before us in a flood-tide of panegyric. There never was anything so beautifully expressed, no encomiums so exalted. No language can paint the perfect satisfaction, the entire acquiescence, the wonderful admiration, expressed by all the natives of Bengal, of the character of the person whom we have brought as a criminal to your bar upon their part. I do admit that it is a very awkward circumstance; but yet, at the same time, the same candour which has induced the House of Commons to bring before you the bosom friends and confidants of Mr. Hastings, as their evidence, will not suffer them to suppress for a moment from your Lordships this universal voice of Bengal in an attestation in Mr. Hastings' favour, and we shall produce it as a part of our evidence.

The sixth Article of charge.

Testimonials from Bengal in favour of Mr. Hastings.

Oh, my Lords, consider the situation of a people, when we prove to you the things that we shall prove, who are forced to mix their praises with their groans, who are forced to sign with hands which have been in torture, which are yet warm with the thumbscrews upon them—to sign an attestation in favour of the person from whom all their sufferings have been derived. It will, I hope, give your Lordships a full, conclusive and satisfactory, proof of the

* In the latter part of the year 1788, several addresses from native inhabitants of British India to the Court of Directors in favour of Mr. Hastings were procured by his attorney in India, and presented through the Governor General. See a letter of Lord Cornwallis to the Directors respecting these testimonials, printed in the "Correspondence of Lord Cornwallis," vol. i. p. 540.

21 APR. 1789. misery to which these people have been reduced. You will see before you what is so well expressed by one of our poets as the homage of tyrants,—

“ Mouth-honour ; breath,
Which the poor heart would fain deny,
But dares not !”

No refutation of the evidence against Mr. Hastings contained in the testimonials.

Their worthlessness.

Mr. Hastings has received that homage : and which homage we mean to present to your Lordships. We mean to present it because it will show your Lordships clearly that, when Mr. Hastings has ransacked Bengal from one end to the other, and has used the power which he had, by having a friend and a dependant of his in every office, from one end of that Government to the other, he has not, in the midst of all these panegyrics—these high-flown Eastern encomiums—got one word of refutation or one word of evidence against any charge whatever which we produce against him. Every one knows that [evidence to character] is, in the course of criminal trials, the last thing that is produced. When the evidence of *alibi*—when all the arts of the Old Bailey are exhausted, at last they call to the character. He is therefore gone in his cause when, having ransacked Bengal, he has nothing to say for his conduct, and at length appeals to his character. I have looked into those little papers that are given to us, relating to the proceedings in our criminal courts. After the evidence of a murder, a forgery or robbery, it ends in his character, and says,—“ He has an admirable character—I have known him from a boy—he is wonderfully good—he is the best of men—I would trust him with untold gold ;” and immediately follows—“ Guilty !” “ Death !” This is the way in which, in our courts, character is generally followed by sentence. I do not say that Mr. Hastings is the first to take this course before you. Undoubtedly he is justified by the first court of antiquity ; for Caius Verres, Antonius, and every other man who has been famous for the pillage and destruction of provinces, never failed to bring before their accusers the attestations of the injured to their character. Voltaire says, “ Les bons mots sont toujours redits.” A similar occasion has, in this instance, produced a similar conduct, and just the character which Caius Verres got from other causes and the *laudationes* which your Lordships know always followed, to save trouble these *laudationes* we mean to give your Lordships. We mean to give them, with this strong presumption, that, in all this panegyric, there is not one word of defence to a single Article of charge. They are mere “ lip homage.” But, as you think, we derive from those panegyrics, that we

sent over as evidence by Mr. Hastings, to supply the total want of it—the claim itself being an evidence of the total want of it—an indication of the impossibility of attaining it. Mr. Hastings has brought it here, and I must say we are under some difficulty about it. And the difficulty is this —we think we have produced before your Lordships proofs of barbarity and peculation by Mr. Hastings; we have the proofs of them in specific provinces, where those proofs may be met by contrary proofs and may lose their weight by a variety of circumstances. But in what condition were we in that? Why we thought we had got the matter sure; that everything was settled; that he could not escape us when he had confessed the bribes he had taken from the specific provinces. Now we have from those specific provinces the strongest attestations that there is not any credit to be paid to his own acknowledgments. In short, we have the very persons whose complaints we shall produce to your Lordships concerning these crimes of Mr. Hastings; we have his own confessions; and then—come back to it again—they have declared that, not only their own complaints are totally unfounded, but that Mr. Hastings's confessions are not true and not to be credited; and, after we think we have got the man, we have certificates to show that his own confessions are not to be trusted. These are circumstances which your Lordships will consider in the view of this wonderful body of attestation.

It is a pleasant thing to see the mode and character of eloquence and addresses in different countries in those that are given before your Lordships. You will see the beauty of chaste European panegyric, improved by degrees into high oriental, exaggerated and inflated, metaphor. You will see how the language is first written in English, then translated into Persian, and then retranslated into English; and you will see the beauty of those styles, which will, in this heavy investigation, tend to give a little gaiety and pleasure: there is something amusing in it. And here we bring before you the European and Asiatic [incense]: you have the perfume shops of the two countries. One of the accusations which we mean to bring against him is upon the part of the zamindar Radanaut, of the country of Dinagepore. See what he says himself:—

“As it has been learned by me, the Mutsuddies and the respectable officers of my zemindary, that the ministers of England are displeased with the late Governor, Warren Hastings, Esquire, upon the suspicion that he oppressed us, took money from us by deceit and force, and ruined the country; therefore we, upon the strength of our religion,

21 APR. 1789.

Language of the testimonials.

Testimonial of Radanaut.

21 APR. 1789. which we think it incumbent on and necessary for us to abide by, following the rules laid down in giving evidence, declare the particulars of the acts and deeds of Warren Hastings, Esquire, full of circumspection and caution, civility and justice, superior to the conduct of the most learned; and by representing what is fact, wipe away the doubts that have possessed the minds of the Ministers of England; that Mr. Hastings is possessed of fidelity and confidence, and yielding protection to us; that he is clear of the contamination of mistrust and wrong, and his mind is free of covetousness or avarice. During the time of his administration no one saw other conduct than that of protection to the husbandman and justice. No inhabitant ever experienced afflictions, no one ever felt oppression from him; our reputations have always been guarded from attacks by his prudence, and our families have always been protected by his justice; he never omitted the smallest instance of kindness towards us, but healed the wounds of despair with the salve of consolation by means of his benovolent and kind behaviour, never permitting one of us to sink in the pit of despondence; he supported every one by his goodness, upset the designs of evil-minded men by his authority, tied the hand of oppression with the strong bandage of justice, and by these means expanded the pleasing appearance of happiness and joy over us."

Radant
one of the
Princes from
whom bribes
were taken.

My Lords, here is a panegyric that we begin with, directly contrary to the usual mode of other accusers. We begin by producing the panegyric made upon the person whom we accuse. We are obliged to show to your Lordships—nay we shall give it in evidence—that, of the very person we accuse of these wrongs, we produce to you, along with the charge, the panegyric and certificate of those persons whom we suppose to have suffered them. We suffer ourselves even to abandon our last resource, which is his own confession, by showing that one of the princes from whom he took these bribes has given a certificate of the direct contrary.

All these things will have their weight upon your Lordships' minds; and, when we have put ourselves under this disadvantage—what disadvantage it is your Lordships will judge—at least we shall stand acquitted of unfairness in this business, that we begin to charge him with crimes directly contrary to the panegyrics in this paper contained. And indeed I will say this for him, that, if general charge and loose accusation were answered by loose and general panegyric, this panegyric would be sufficient to upset our accusation. But we come before your Lordships in a different manner and upon different grounds. I am ordered by the Commons of Great Britain to support the charge that they have made and persevere in making,—against Warren Hastings, Esq., late Governor General of Bengal, and now a culprit at your bar,—first, with having taken corruptly several bribes, and extorted, by force or power and colour of

Subject of
the present
charge—
bribes taken
from the
natives.

his office, several sums of money, from the unhappy natives of Bengal. The next Article which we shall bring before you is, that he is not only personally corrupted, but that he has personally corrupted all the other servants,—those under him whose corruptions he ought to have controlled, and those above him whose business it was to control his corruptions.

21 APR. 1780.
Corruption of the other servants.

We propose to make good to your Lordships the first of these, by submitting to you that part of those sums which we charge were taken by him with his own hand and in his own person, but that much the greater part have been taken from the natives by the instrumentality of his black agents, banyas, and other dependants, whose confidential connection with him, and whose agency upon his part in corrupt transactions, if his Counsel should be bold enough to challenge us to the proof, we shall fully prove before you.

Bribes taken partly by himself, partly by banyas.

The next part and the second branch of his corruption, namely, what is commonly called his active corruption—distinguishing the personal under the name of passive—has been shown by giving, under colour of contracts, a number of corrupt and lucrative advantages. By a number of unauthorised and unreasonable grants, pensions and allowances, he corrupted actively the whole service of the Company.

Corrupt contracts.

And, lastly, we shall show that, by establishing an universal connivance, from one end of the service to the other, he has not only corrupted and contaminated it in all its parts, but bound [every member of] it in a common league of iniquity, to support mutually each other against the inquiry that should detect and the justice that should punish their offences. These two charges we shall bring one after the other, namely, of his active and passive corruption, as strongly and clearly illustrating and as powerfully confirming each other.

General connivance of the whole service.

The first we shall bring is his own passive corruption. We commonly call it so. Bribes are so little known in this country that we can hardly get clear and specific technical names to distinguish them; but, in future, I am afraid the conduct of Mr. Hastings will improve our law vocabulary. The first of these offences Mr. Hastings stands charged with here is,—receiving bribes himself or through his banyas. Every one of these is an overt act of the general charge of bribery; and they are, every one of them, separately taken, substantive crimes. But, whatever the criminal nature of these acts was—and the nature was very criminal, and the consequences to the country very dreadful—whatever there was in these criminal acts of Mr. Hastings, yet we mean to prove to your Lordships that they were not single acts; that

Bribes received through banyas.

Part of a general system of corruption.

21 APR. 1789. they were not acts committed as opportunity offered or as necessity tempted or urged upon the occasion, but that they are parts of a general, systematic, plan of corruption for advancing his fortune at the expense of his integrity ; that he has, for that purpose, not only taken the opportunity of his power, but made whole establishments—wasted, perverted, altered and created, complete revolutions in the country's government, for the purpose of making that which ought to be subservient to regal government subservient to corruption ; that, when he could no longer cover these fraudulent proceedings by artifice, he endeavoured to justify them by principle. These artifices we mean to detect—these principles we mean to attack,—and, with your Lordships' aid, to demolish, destroy and subvert, for ever.

Contrast
between the
present and
the previous
Charges.

My Lords, I must say that in this business, which is a matter of collusion, concealment and deceit, your Lordships will perhaps not find the same degree of entertainment that you have found in the others. Hitherto you have had before you crimes of dignity. You have had before you the ruin and expulsion of great and illustrious families,—the breach of solemn public treaties,—the merciless pillage and total subversion of the first houses in Asia ; but the crimes which are the most striking to the imagination are not always the most pernicious in their effects. In these high eminent acts of domineering tyranny, their very magnitude proves a sort of corrective to their virulence. The occasions on which they can be exercised are rare ; the persons upon whom they can be exercised few ; the persons who can exercise them, in the nature of things, are not many. But these great acts of superior overbearing tyranny are privileged crimes. They are the unhappy prerogative—they are the distinguished and incommunicable attributes—of superior wickedness in eminent station. But, my Lords, when the vices of low, sordid and illiberal, minds infect that high situation,—when theft, bribery and peculation, attended with fraud, prevarication, falsehood, misrepresentation and forgery,—when all these follow in one train—when these vices, which gender and spawn in dirt and are nursed in dunghills, come and pollute with their slime that throne which ought to be a seat of dignity and purity—the evil is much greater. It may operate daily and hourly. It is not only imitable but improvable ; and it will be imitated and will be improved, from the highest to the lowest, through all the gradations of a corrupt government.

Danger from
low vices in
high situa-
tions.

Lords, by the vices of the head, when once a Governor 21 APR. 1789.
 ral receives bribes he gives a signal to universal pillage
 the inferior parts of the service. The great bridles
 hard-mouthed passion are removed—they are taken
 —they are broken. Fear and shame, the great guards
 tue next to conscience, are gone. Shame! how can it
 ? It will soon blush away its awkward sensibility.
 e, my Lords, cannot exist long, when they see that
 s which naturally bring disgrace are attended with all
 atward symbols, characteristics and rewards, of honour
 of virtue. When they see high station, great rank,
 al applause, vast wealth, following the commission of
 ation and bribery, is it to be believed that they can
 be ashamed of that which they see to be the road to
 ir?

to fear, let a Governor General once take bribes, there
 end of all fear in the service. What have they to fear?
 .? Is it the man whose example they follow that is to
 them before a tribunal for their punishment? Can he
 any inquiry? He cannot. He that opens a channel
 uiry under these circumstances opens a high road to
 vn detection. Can he make any laws to prevent it?
 ; for he can make no laws to restrain that practice,
 ut the breach of his own laws immediately in his own
 ict. If we once admit, for a single instant, in a
 rnor General a principle, however defended upon any
 nce whatever, to receive bribes in consequence of his
 , there is an end of all virtue—an end of the laws, and
 pe left in the supreme justice of the country. We are
 ble of all these difficulties; we have felt them; and,
 ps, it has required no small degree of exertion for us to
 re better of these difficulties which are thrown in our
 by a Governor General accepting bribes, and thereby
 ing and protecting the whole service in such iniquitous
 edings.

Loss of
power, in a
Governor
General
who takes
bribes, to
check cor-
ruption in
the service.

ith regard to this matter, we are to state to your Lord-
 in order to bring it fully and distinctly before you,
 the nature of this distemper of bribery is in the Indian
 nment. We are to state what the laws and rules are
 have been opposed to prevent it, and the utter insuffi-
 r of all that have been proposed; to state the grievance,
 structions of the Company and Government, the Acts
 rliament, the constructions upon the Acts of Parliament.
 re to state to your Lordships the particular situation

Objects of
the present
address.

21 APR. 1789. of Mr. Hastings. We are to state the trust the Company had in him for the prevention of all those evils. And then we are to prove that every evil which the law intended to prevent, which there were covenants to restrain, with encouragements to smooth and make easy the path of duty, Mr. Hastings was invested with a special, direct and immediate, trust to prevent all those grievances. We are to prove to your Lordships that he is the man who, in his own person, has collectively done more mischief than all those persons whose evil practices have produced all those laws, those regulations, and even his own appointment.

Bribery an
ancient
distemper
in the
Company's
affairs.

The first thing that we shall do is to state—and which we shall prove in evidence—that this vice of bribery was the ancient, radical, endemical and ruinous, distemper of the Company's affairs in India, from the time of their establishment there. Very often there are no words and no description that can adequately convey the state of the thing like the very direct evidence itself, because everything else might be suspected of exaggeration. You might think what was fact, and the direct evidence of fact, to be nothing but the colouring of the person that explained it. And therefore, I think, that it will be much better to give to your Lordships here a direct state of the Presidency at the time when the Company enacted their covenants, which Mr. Hastings took, and when they took such measures to prevent those very evils, from those very persons, and in those very circumstances in which we charge Mr. Hastings with having committed the offences we now bring before you.

I wish your Lordships to know that this is a consultation that we are going to read of Lord Clive, who was sent out for the express purpose of reforming the state of the Company, to show the magnitude of the pecuniary corruptions that prevailed in it.

Minute of
Lord Clive.

[“ It is from a due sense of the regard we owe and profess to your interests and to our own honour that we think it indispensably necessary to lay open to your view a series of transactions too notoriously known to be suppressed, and too affecting to your interests, to the national character, and to the existence of the company in Bengal, to escape unnoticed and uncensured. Transactions which seem to demonstrate that every spring of this government was smeared with corruption, that principles of rapacity and oppression universally prevailed, and that every spark of sentiment and public spirit was lost and extinguished in the unbounded lust of unmerited wealth. To illustrate these positions, we must exhibit to your view a most unpleasant variety of complaints, inquiries, accusations, and vindications, the particulars of which are entered in our proceedings and the appendix: assuring you that we

I undertake this task with peculiar reluctance, from the personal regard I entertain for some of the gentlemen whose characters will appear to be deeply affected. At Fort St. George we received the first advices of the demise of Meer Jaffier, and of Shuja Dowlah's defeat. It was there only imagined that no definite measures would be taken either in respect to a peace, or filling the vacancy in the Nizamut before our arrival, as the Lapwing arrived in the month of January with your general letter, and the appointment of a committee, with express powers for that purpose, for the successful exertion of which the happiest occasion was offered; however, a contrary resolution prevailed in the Council. The opportunity of acquiring immense fortunes was too inviting to be neglected, and the temptation too powerful to be resisted. A treaty was hastily drawn up by the Board, or rather transcribed, with few unimportant additions from that concluded with Meer Jaffier, and a deputation consisting of Messrs. Johnstone, senior, Middleton and Leycester, pointed to raise the natural son of the deceased Nabob to the subahdary, in prejudice of the claim of the grandson; and for this measure the reasons are assigned as ought to have dictated a diametrically opposite resolution. Meeran's son was a minor, which circumstance alone would have naturally brought the whole administration into our hands at a juncture when it became indispensably necessary we should realize the shadow of power and influence which, having no solid foundation, was exposed to the danger of being annihilated by the first stroke of reverse fortune. But this inconsistency was not regarded, nor was it material to the views for precipitating the treaty which was pressed on the young Nabob at the first interview in so earnest and indelicate a manner as highly disgusted him, and chagrined his ministers, while not a single rupee was stipulated for the Company, whose interests were sacrificed that their servants might revel in the spoils of a treasury before impoverished but now totally exhausted. This scene of corruption was first disclosed at a visit the Nabob paid to Lord Clive and the gentlemen of the committee a few days after our arrival. He there delivered to his friendship a letter filled with bitter complaints of the insults and indignities he had been exposed to, and the embezzlement of near twenty lacs of rupees issued from his treasury for purposes unknown during the late negotiations. So public a complaint could not be disregarded, and it soon produced an inquiry. We referred the letter to the Board, in expectation of obtaining a satisfactory account of the application of this money, and were answered only by a warm remonstrance entered by Mr. Leycester against that very Nabob in whose elevation he boasts of having been a principal agent. Mahomet Reza Cawn, the Naib Subahdar, was then called upon to account for this large disbursement from the treasury, and he soon delivered to the committee the very extraordinary narrative entered in our proceedings of the 6th of June, wherein he specifies several names and sums, by whom paid and to whom, whether in cash, bills or obligations. So precise, so accurate, an account as this of money for secret and venal services was never, we believe, before this world exhibited to the honourable Court of Directors, at least, never reached by such undeniable testimony and authentic documents, as by Muggut Seet, who himself was obliged to contribute largely to the sums demanded; by Moolyram, who was employed by Mr. Johnstone in all those pecuniary transactions; by the Nabob and Mahomet Reza Cawn, who were the heaviest sufferers; and, lastly, by the confession of the gentlemen themselves, whose names are specified in the distribution list. Muggut Seet expressly declared in his narrative that the sum which he

21 APR. 1789.

Minute of
Lord Clive—
cont.

21 Apr. 1780. agreed to pay the deputation, amounting to 125,000 rupees, was extorted by menaces, and since the close of our inquiry, and the opinions we delivered in the proceedings of the 21st June, it fully appears that the presents from the Nabob and Mahomed Reza Cawn, exceeding the immense sum of 17 lacs, were not the voluntary offerings of gratitude, but contributions levied on the weakness of the government, and violently exacted from the dependant state and timid disposition of the minister. The charge, indeed, is denied on the one hand as well as affirmed on the other. Your honourable Board must therefore determine how far the circumstance of extortion may aggravate the crime of disobedience to your positive orders, the exposing the government, in a manner, to sale, and receiving the infamous wages of corruption from opposite parties and contending interests. We speak with boldness because we speak from conviction founded upon indubitable facts, that besides the above sums specified in the distribution account to the amount of 228,125 pounds sterling, there was, likewise, to the value of several lacs of rupees procured from Nundcomar and Roydullub, each of whom aspired at and obtained a promise of that very employment it was predetermined to bestow upon Mahomed Reza Cawn.” *

Means taken
by the
Company to
remove the
abuse.

This paper cannot be disputed to be a paper of weight and authenticity, because it is signed by a gentleman now in this House, who sits on one side of the gentleman now at your Bar, as his bail.† This grievance, therefore, so authenticated, so great, and described in so many circumstances, I think it will be sufficient for me in this part of the business to show, was, when Mr. Hastings was sent to India, a prevalent evil.

My Lords, it is necessary that I should show to you something more, because, *prima fronte*, this is some exculpation of Mr. Hastings; for if he was only a partaker in a general misconduct,—if it was rather *vitium loci et vitium temporis* than *vitium hominis*,—there might be something said in his exculpation. But I am next to show your Lordships the means they took for removing this grievance, and then to show that Mr. Hastings’ peculiar trust,—the great specific ground of his appointment—was a confidence that he would eradicate this very evil, of which we are going to prove that he has been one of the principal promoters. And I wish your Lordships to advert to the particular circumstances of two persons who were bidders at this time, and at this auction of government, for the continuance of the favours of the Presidency at Calcutta, namely, Mohammed Reza Khan and Raja Nundcomar. I wish your Lordships to recollect this by and by, when we shall bring before you the very

* Supplied from the “Minutes of the Evidence,” p. 954.

† Mr. Hastings’ sureties were Mr. Sullivan and Mr. Sumner. The latter gentleman signed the Minute quoted above, in his capacity of Member of the Council of Bengal.

same two persons, in a great measure in the very same trans- 21 APR. 1789.
action, in circumstances exactly similar, or very nearly so,
in the case of Mr. Hastings.

My Lords, our next step in proof to your Lordships will be to show you that the Company, in 1768, had made a covenant expressly forbidding the taking of presents of above 400*l.* value in each present to the Governor General. I take it for granted that will not be much litigated. They renewed and enforced that, with other covenants and other instructions; and, at last, came an Act of Parliament, in the clearest—the most definite—the most specific words that all the wisdom of the Legislature, intent upon the eradication of this evil, could use, to prevent the receiving of presents.

Covenant prohibiting taking presents.

Act of Parliament against presents.

My Lords, I think it is necessary to state that there has been some little difficulty concerning this word *presents*. Bribery and extortion have been covered by the name of presents, and the authority and practice of the East has been adduced as a palliation of the crime. My Lords, no authority of the East will be a palliation of the breach of laws enacted in the West; and to those laws of the West, and not the vicious customs of the East, we insist upon making Mr. Hastings liable. But do not your Lordships see that this is a perfect mistake—that there never was any custom of the East for it? I do not mean the vicious practices and customs which it is the business of good laws and good customs to eradicate.

Plea in behalf of presents from the custom of the East.

There are three species of presents known in the East; two species of the payments of money known to be legal, and the other is perfectly illegal and has a name exactly expressing it, in the manner ours has. It is necessary that your Lordships should see that Mr. Hastings has made use of a perversion of the names of authorised gifts to cover the most abominable and prostituted bribery. The first of these presents is known in the country by the name of *peshcush*. This *peshcush* is a fine paid upon the grant of lands to the sovereign, or whoever grants them. The second is the *nazr*, the *nazr* or *nazra-na*, which is a tribute of acknowledgment from an inferior to a superior. The last is called *rishwat* in the Persian language; that is to say, a bribe—a sum of money clandestinely and corruptly taken—and is as much distinguished from the other as, in the English language, a fine or acknowledgment is distinguished from a bribe.

Three species of presents.

Peshcush.

Rishwat.

To show your Lordships this, we shall give in evidence that, whenever that *peshcush* or fine is paid, it is a sum of

21 A.D. 1759. money publicly paid, and paid in proportion to the grant. The sum is entered upon the very grant itself. We shall prove the nazr is in the same manner entered, and that all legal fees are indorsed upon the body of the grant for which they are taken; and that they are, no more in the East than in the West, any kind of colour or pretence for corrupt acts, which are known by the circumstance of their being clandestinely taken, acknowledged and confessed to be illegal and corrupt.

Nature of the nazr.

Having stated that Mr. Hastings, in some of the evidence that we shall produce, endeavours to confound these three things, I am only to remark that, the first being the peshcush and the second the nazr, this nazr is generally a very small sum of money; that it sometimes amounts to one gold muhar; that sometimes it is less, and that in all the records of the Company I have never known it to exceed one gold muhar, or about thirty-five shillings—passing by the fifty gold muhars which were given to Mr. Hastings by Cheyt Sing, and a hundred gold muhars which were given to the Mogul as a nazr by Mohammed Ali, Nawab of Arcot. They are small sums as acknowledgments of homage and superiority, and the other fines are paid for grants. They are both known proceedings of the last degree of publicity; and, if given as consideration for a grant, they are indorsed upon the very body of the grant.

Prohibition by the Company of acceptance of presents of all kinds.

The Company, seeing that this nazr, though small in each sum, might amount at last to a large tax upon the country—and it did so in fact—thought proper to prohibit any sum of money to be taken, upon any pretext whatever. And the Company, in the year 1775, did expressly explode the whole doctrine of peshcush and nazr, and every other private lucrative emolument, under whatever name, to be taken by the Governor General; and did expressly send out an order that that was the construction of the Act, and that he was not even to take a nazr. Thus we shall show that that Act had totally cut up the whole system of bribery and corruption, and that Mr. Hastings had no sort of colour whatever for taking the money which we shall prove he has taken. I know that positive prohibitions—that Acts of Parliament—that covenants—are things of very little validity indeed, as long as all the means of corruption are left in power, and all the temptations to corrupt profit are left in poverty. I should really think that the Company deserve to be ill served, if they had not given such appointments to

Necessity of large appointments

great trusts as might secure those trusts from the temptation of unlawful emolument, by the great security that is provided in all cases—to give a lawful gratification to the natural passions of men. Matrimony is to be used as a true remedy against luxury and a vicious course of profligate manners. Fair and lawful emoluments and just profits of office are opposed to the unlawful means which may be made use of to supply them. For, in truth, I am ready to agree that, for any man to expect a series of sacrifices without a return in blessing—to expect labours without a prospect of reward, and fatigues without any means of securing rest—is an unreasonable demand in any human creature from another. Those who trust that they shall find in men uncommon and heroic virtues are themselves the very persons who are endeavouring to find nothing that shall be paid to them, but the common returns of the worst parts of human infirmity. And, therefore, I shall show your Lordships that the Company did provide a large, ample, abundant means for supporting the Governor General; that Lord Clive did, in the year 1765, and the Council with him, of which Mr. Sumner, I am glad and proud to say, was one, fix such an allowance as they thought a sufficient security to the Governor General against the temptations attendant upon his situation. And, therefore, after they had fixed this sum, they say that,—

21 APR. 1789.
for high trusts.

Ample provision made for the Governor General.

“Although by these means the Governor will not be able to amass a million or half a million in the space of two or three years, yet he will acquire a very handsome independency, and be in that very situation which a man of honour and true zeal for the service would wish to possess. Thus situated, he may defy all opposition in Council; he will have nothing to ask, nothing to propose, but what he wishes for the advantage of his employers. [He may defy the law, because there can be no foundation for a bill of discovery; and he may defy the obloquy of the world, because there can be nothing censurable in his conduct. In short, if stability can be insured to such a government as this, where riches have been acquired in abundance in a small space of time, by all ways and means, and by men with or without capacities, it must be effected by a Governor thus restricted.”] *

—that is, a Governor restricted from every emolument but that of his salary. I must remark that this salary and these emoluments were not settled upon the vague speculations of men taking the measure of their necessities for India from the manners of England, but it was fixed by the Council themselves—fixed in India—fixed by those who knew and were in the

The allowance fixed by the Council.

* Printed in the “Minutes of the Evidence,” &c., p. 957.

21 APR. 1789. situation of the Governor General, and who knew what was necessary to support his dignity and to preserve him from the temptation of corruption. And they have laid open to you such a body of advantages arising from it as would lead any man, who had any regard to his honour or conscience, to think himself happy in having such a provision made for him, and at the same time every temptation to act otherwise removed far from him.

Amount of emoluments of the office. The emoluments of the office may be computed at near 30,000*l.* a year, when Mr. Hastings was President—22,000*l.* in certain money, and the rest in considerable advantages afterwards. They at that time, though reduced from the original plan which Lord Clive had proposed, were still so great that I cannot compute them at a great deal less than 30,000*l.* a year. Whatever it was, I have shown that it was thought sufficient by those who were the best judges, and who, in carving for others, were carving themselves their own allowance at the time. But, my Lords, I am to give a better opinion of the sufficiency of that provision to guard against the temptation, out of Mr. Hastings' own mouth. He says, in his letter to the Court of Directors,—

Minute of Mr. Hastings respecting the sufficiency of the allowance. “Although I disclaim the consideration of my own interest in these speculations [and flatter myself that I proceed upon more liberal grounds, yet I am proud to avow the feelings of an honest ambition that stimulates me to aspire at the possession of my present station for years to come. Those who know my natural turn of mind will not ascribe this to sordid views. A very few years' possession of the government would undoubtedly enable me to retire with a fortune amply fitted to the measure of my desires, were I to consult only my ease: but in my present situation I feel my mind expand to something greater:] I have caught the desire of applause in public life.”*

Failure of Mr. Hastings' hopes of establishing his fortune. Here Mr. Hastings confesses that the emoluments affixed to his office were not only sufficient for the purposes and ends of [an office of that] nature, and the [support] of present dignity. but that they were sufficient to secure him in a very few years a comfortable retreat. But his object in wishing to hold his office long was to “catch applause in public life.” What an unfortunate man is he who has so often told us, in so many places and through so many mouths, that, after fourteen years' possession of an office which was to make to him a comfortable

* Extract from letter of Mr. Hastings to the Court of Directors, dated 11th November 1773. This letter was not allowed by the Court to be produced in evidence by the Managers, as they were not in possession of the original. It is, however, printed at length in the Fifth Report from the Committee of Secretaries, Appendix, No. 5

fortune in a few years, he is at length bankrupt in fortune; and, for his applause in public life, is now at your Lordships' bar, and his accuser is his country! This, my Lords, is to be unfortunate: but there are some misfortunes that never do or never can arrive but through crimes. He was a deserter from the path of honour. At the turning of the two ways, he made a glorious choice. He caught at the applause of ambition, which as I am ready to consent is not virtue, yet surely a generous ambition for applause for public services in life is one of the best counterfeits of virtue, and supplies its place in some degree, and adds a lustre to real virtue where it exists as a *substratum*. Human nature, while it is made as it is, never can wholly repudiate it for its imperfection, because there is something yet more perfect. But what shall we say to the deserter of that cause, who, having glory and honour before him, has chosen to plunge himself and go the downward road to sordid riches?

21 APR. 1789.

His departure from the path of honour.

My Lords, I have shown the grievances that existed. I have shown the means that existed to put Mr. Hastings beyond a temptation to those practices of which we accuse him:—if he will not follow his example in the House of Commons and disavow this, as he has done his Defence before them, and say he never wrote it. That situation which was to afford him a comfortable fortune in a few years he has held for many years, and, therefore, he has not one excuse to make for himself. But I shall show your Lordships much greater and stronger proofs, that will lean heavy upon him in the day of your sentence. The first, the peculiar, trust that was put in him was, to redress all those grievances.

My Lords, I have stated to you the condition of India in 1765. You may suppose that the means that were taken—the regulations that were made by the Company—at that period of time, had operated their effect, and that, by the beginning of the year 1772, when Mr. Hastings came first to his government, at that time these evils did not require perhaps so rigorous an example or so much diligence in putting an end to them. But, my Lords, I have to show you a very melancholy truth—that, notwithstanding all these means, the Company was of opinion that all these disorders had increased; and, accordingly, they say, without entering into all the grievous circumstances of this letter, which was written on the 7th April, 1773,—

Growth of corruption in the service.

Special instructions given to Mr. Hastings to correct abuses.

21 APR. 17-9. " We wish we could refute the observation—that almost every attempt made by us and our administration at your Presidency for reforming abuses has rather increased them, and added to the miseries of a country we are anxious to protect and cherish."

They say that—

" When oppression pervades the whole country, when youths have been suffered with impunity to exercise sovereign jurisdiction over the natives, [and to acquire rapid fortunes by monopolizing of commerce, it cannot be a wonder to us or yourselves that Dadney merchants do not come forward to contract with the Company, that the manufactures find their way through foreign channels, or that our investments are at once enormously dear and of a debased quality. It is evident, then, that the evils which have been so destructive to us lie too deep for any partial plans to reach or correct; it is, therefore, our resolution to aim at the root of those evils, and we are happy in having reason to believe that in every just and necessary regulation we shall meet with the approbation and support of the legislature, who consider the public as materially interested in the Company's prosperity.]"*

This is to show your Lordships that Mr. Hastings was armed with great powers to correct great abuses, and that there was reposed in him a special trust for that purpose. And now I shall show, by the 25th paragraph of the same letter, that it was from some particular hope they had in Mr. Hastings that they intrusted him with this very great power, not only of abstaining himself, which is a thing taken for granted, but of restraining abuses through every part of the service. And therefore they say that,—

" In order to effectuate this great end, the first step must be to restore perfect obedience [and due subordination to your administration. Our Governor and Council must reassume and exercise their delegated powers upon every just occasion, punish delinquents, cherish the meritorious, discountenance that luxury and dissipation which to the reproach of Government prevailed in Bengal. Our President, Mr. Hastings, we trust, will set the example of temperance, economy and application, and upon this we are sensible much will depend. And here we take occasion to indulge the pleasure we have in acknowledging Mr. Hastings' services upon the coast of Coromandel, in constructing with equal labour and ability the plan which has so much improved our investments there; and, as we are persuaded he will persevere in the same laudable pursuit through every branch of our affairs in Bengal, he in return may depend] on the steady support and favour of his employers."

Trust reposed in him by the Company.

Here are, not only laws to restrain abuse—here are, not only salaries to prevent the temptation to it,—but here are praises to animate and encourage. Here is what very few men, even bad in other respects, have resisted. Here is a great trust put in him, to call upon him with particular vigour and exertion to prevent all abuses through

* Printed in the " Minutes of the Evidence," &c., p. 986.

the settlement, and particularly these abuses of corruption. ^{21 APR. 1780.} Much trust is put in his frugality—his order—his management of his private affairs; and from them they hope that he would not ruin his own fortune but improve it by honourable means, and teach the Company's servants the same order and management, in order to free them from temptation to rapacity in their own particular situations.

There have been known to be men, otherwise corrupt and vicious, who, when great trust was put in them, have called forth principles of honour latent in their minds; and men who were nursed in a manner in corruption have been, not only great reformers by institution, but greater reformers by the example of their own conduct. Here then is Mr. Hastings. Great trust is reposed in him. Then I am to show that, soon after his coming to that government, there were means given him instantly of realising those hopes and expectations, by putting into his hands several arduous and several difficult commissions.

My Lords, in the year 1772, the Company had received alarming advices of many disorders throughout the country. ^{Disorders in the country in the year 1772.} There were likewise, at the same time, circumstances in the state of the government upon which they thought it necessary to make new regulations. The famine at Bengal had produced a great many complaints—some true, some exaggerated, but universally spread, as I believe is in the memory of those who are not very young among us—of the famine that prevailed and wasted Bengal, and of the ill use that was made of that circumstance to aggravate the distress for the advantage of individuals. This obliged the Company to a very serious consideration of an affair which dishonoured and disgraced their government, not only at home but through all the countries in Europe, much more than perhaps even more grievous and real oppressions that were exercised under them. It had been marked, and had alarmed their feelings and called the attention of the public upon them in an eminent manner. Your Lordships remember the death of Jaffier Ali Khan, the first of those subahdars who introduced the English power into Bengal. ^{Minority of the Nawab of Bengal.} He died about four or five years before this period. He was succeeded by two of his sons, who succeeded to one another in a very rapid succession. The first was the person whom we have read an account to you of. He was the natural son of the Nawab by a person called Munny Begum, who, for those corrupt gifts, the circumstances of which we have

21 APR. 1789. agreed to pay the deputation, amounting to 125,000 rupees, was extorted by menaces, and since the close of our inquiry, and the opinions we delivered in the proceedings of the 21st June, it fully appears that the presents from the Nabob and Mahomed Reza Cawn, exceeding the immense sum of 17 lacs, were not the voluntary offerings of gratitude, but contributions levied on the weakness of the government, and violently exacted from the dependant state and timid disposition of the minister. The charge, indeed, is denied on the one hand as well as affirmed on the other. Your honourable Board must therefore determine how far the circumstance of extortion may aggravate the crime of disobedience to your positive orders, the exposing the government, in a manner, to sale, and receiving the infamous wages of corruption from opposite parties and contending interests. We speak with boldness because we speak from conviction founded upon indubitable facts, that besides the above sums specified in the distribution account to the amount of 228,125 pounds sterling, there was, likewise, to the value of several lacs of rupees procured from Nundcomar and Roydullub, each of whom aspired at and obtained a promise of that very employment it was predetermined to bestow upon Muhomed Reza Cawn.”*]

Means taken
by the
Company to
remove the
abuse.

This paper cannot be disputed to be a paper of weight and authenticity, because it is signed by a gentleman now in this House, who sits on one side of the gentleman now at your Bar, as his bail.† This grievance, therefore, so authenticated, so great, and described in so many circumstances, I think it will be sufficient for me in this part of the business to show, was, when Mr. Hastings was sent to India, a prevalent evil.

My Lords, it is necessary that I should show to you something more, because, *prima fronte*, this is some exculpation of Mr. Hastings; for if he was only a partaker in a general misconduct,—if it was rather *vitium loci et vitium temporis* than *vitium hominis*,—there might be something said in his exculpation. But I am next to show your Lordships the means they took for removing this grievance, and then to show that Mr. Hastings’ peculiar trust,—the great specific ground of his appointment—was a confidence that he would eradicate this very evil, of which we are going to prove that he has been one of the principal promoters. And I wish your Lordships to advert to the particular circumstances of two persons who were bidders at this time, and at this auction of government, for the continuance of the favours of the Presidency at Calcutta, namely, Mohammed Reza Khan and Raja Nundcomar. I wish your Lordships to recollect this by and by, when we shall bring before you the very

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21 A.L.R. 1789. money publicly paid, and paid in proportion to the grant. The sum is entered upon the very grant itself. We shall prove the nazr is in the same manner entered, and that all legal fees are indorsed upon the body of the grant for which they are taken; and that they are, no more in the East than in the West, any kind of colour or pretence for corrupt acts, which are known by the circumstance of their being clandestinely taken, acknowledged and confessed to be illegal and corrupt.

Nature of the nazr.

Having stated that Mr. Hastings, in some of the evidence that we shall produce, endeavours to confound these three things, I am only to remark that, the first being the peshcush and the second the nazr, this nazr is generally a very small sum of money; that it sometimes amounts to one gold muhar; that sometimes it is less, and that in all the records of the Company I have never known it to exceed one gold muhar, or about thirty-five shillings—passing by the fifty gold muhars which were given to Mr. Hastings by Cheyt Sing, and a hundred gold muhars which were given to the Mogul as a nazr by Mohammed Ali, Nawab of Arcot. They are small sums as acknowledgments of homage and superiority, and the other fines are paid for grants. They are both known proceedings of the last degree of publicity; and, if given as consideration for a grant, they are indorsed upon the very body of the grant.

Prohibition by the Company of acceptance of presents of all kinds.

The Company, seeing that this nazr, though small in each sum, might amount at last to a large tax upon the country—and it did so in fact—thought proper to prohibit any sum of money to be taken, upon any pretext whatever. And the Company, in the year 1775, did expressly explode the whole doctrine of peshcush and nazr, and every other private lucrative emolument, under whatever name, to be taken by the Governor General; and did expressly send out an order that that was the construction of the Act, and that he was not even to take a nazr. Thus we shall show that that Act had totally cut up the whole system of bribery and corruption, and that Mr. Hastings had no sort of colour whatever for taking the money which we shall prove he has taken. I know that positive prohibitions—that Acts of Parliament—that covenants—are things of very little validity indeed, as long as all the means of corruption are left in power, and all the temptations to corrupt profit are left in poverty. I should really think that the Company deserve to be ill served, if they had not given such appointments to

Necessity of large appointments

100,000*l.* a year for the support of his dignity, and had at that time 50,000*l.* This man, sitting in his garden, reposing himself after the toils of his situation—for he was one of the most laborious men in the world—was suddenly arrested, and, without a moment's respite, dragged down to Calcutta, and there by Mr. Hastings—exceeding the orders of the Company—confined near two years under a guard of soldiers. He kept this great man for several months without even attempting a trial upon him. How he tried him afterwards, and whether you will not judge from the circumstances of that trial that, as he was not tried for his crime, so neither was he acquitted for his innocence, your Lordships may probably in the course of this business inquire; but, at present, I leave him in that situation. Mr. Hastings, unknown to his Council, having exceeded the orders of the Company in the last degree of rigour to this unhappy man, keeps him in that situation without a trial, under a guard, separated from his country, disgraced and dishonoured, and by Mr. Hastings' express order not suffered either to make a visit or receive a visitor.

21 APR. 1789.

Detention of Mohammed Reza Khan without trial.

There was another commission for Mr. Hastings contained in these orders. The Company, because they were of opinion that justice could not be easily obtained while the first situations of the country were filled with this man's adherents, desired Mr. Hastings to displace them; but they left him a large power, confiding in his justice, prudence and impartiality, by no means to abuse a trust of such delicacy. But we shall prove to your Lordships that Mr. Hastings thought it necessary to turn out, from the highest to the lowest, several hundreds of people, for no other reason than that they had been put in their employments by that very man whom the English Government had placed there.

Displacement of his adherents.

We might insist that we could not possibly try Mr. Hastings or come at his wickedness, until we had eradicated his influence in Bengal and left not one man in it who was in any place or office whatever; we are ready to admit we could not do the whole without it; but, at the same time, rather than make a general massacre of every person presumed to be guilty, we should rather leave some of his crimes unproved. He did avow and declare that, unless he turned all these persons out of their offices, he could never hope to come at the truth of any charges against Mohammed Reza Khan, against whom no specific charge

21 APR. 1780. situation of the Governor General, and who knew what was necessary to support his dignity and to preserve him from the temptation of corruption. And they have laid open to you such a body of advantages arising from it as would lead any man, who had any regard to his honour or conscience, to think himself happy in having such a provision made for him, and at the same time every temptation to act otherwise removed far from him.

Amount of emoluments of the office.

The emoluments of the office may be computed at near 30,000*l.* a year, when Mr. Hastings was President—22,000*l.* in certain money, and the rest in considerable advantages afterwards. They at that time, though reduced from the original plan which Lord Clive had proposed, were still so great that I cannot compute them at a great deal less than 30,000*l.* a year. Whatever it was, I have shown that it was thought sufficient by those who were the best judges, and who, in carving for others, were carving themselves their own allowance at the time. But, my Lords, I am to give a better opinion of the sufficiency of that provision to guard against the temptation, out of Mr. Hastings' own mouth. He says, in his letter to the Court of Directors,—

Minute of Mr. Hastings respecting the sufficiency of the allowance.

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Failure of Mr. Hastings' hopes of establishing his fortune.

Here Mr. Hastings confesses that the emoluments affixed to his office were not only sufficient for the purposes and ends of [an office of that] nature, and the [support] of present dignity, but that they were sufficient to secure him in a very few years a comfortable retreat. But his object in wishing to hold his office long was to “catch applause in public life.” What an unfortunate man is he who has so often told us, in so many places and through so many mouths, that, after fourteen years' possession of an office which was to make to him a comfortable

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21 APR. 1789.

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Growth of corruption in the service.

Special instructions given to Mr. Hastings to correct abuses.

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" When oppression pervades the whole country, when youths have been suffered with impunity to exercise sovereign jurisdiction over the natives, [and to acquire rapid fortunes by monopolizing of commerce, it cannot be a wonder to us or yourselves that Dadney merchants do not come forward to contract with the Company, that the manufactures find their way through foreign channels, or that our investments are at once enormously dear and of a debased quality. It is evident, then, that the evils which have been so destructive to us lie too deep for any partial plans to reach or correct; it is, therefore, our resolution to aim at the root of those evils, and we are happy in having reason to believe that in every just and necessary regulation we shall meet with the approbation and support of the legislature, who consider the public as materially interested in the Company's prosperity."]*

This is to show your Lordships that Mr. Hastings was armed with great powers to correct great abuses, and that there was reposed in him a special trust for that purpose. And now I shall show, by the 25th paragraph of the same letter, that it was from some particular hope they had in Mr. Hastings that they intrusted him with this very great power, not only of abstaining himself, which is a thing taken for granted, but of restraining abuses through every part of the service. And therefore they say that,—

" In order to effectuate this great end, the first step must be to restore perfect obedience [and due subordination to your administration. Our Governor and Council must reassume and exercise their delegated powers upon every just occasion, punish delinquents, cherish the meritorious, discountenance that luxury and dissipation which to the reproach of Government prevailed in Bengal. Our President, Mr. Hastings, we trust, will set the example of temperance, economy and application, and upon this we are sensible much will depend. And here we take occasion to indulge the pleasure we have in acknowledging Mr. Hastings' services upon the coast of Coromandel, in constructing with equal labour and ability the plan which has so much improved our investments there; and, as we are persuaded he will persevere in the same laudable pursuit through every branch of our affairs in Bengal, he in return may depend] on the steady support and favour of his employers."

Trust reposed in him by the Company.

Here are, not only laws to restrain abuse—here are, not only salaries to prevent the temptation to it,—but here are praises to animate and encourage. Here is what very few men, even bad in other respects, have resisted. Here is a great trust put in him, to call upon him with particular vigour and exertion to prevent all abuses through

* Printed in the "Minutes of the Evidence." &c., p. 966.

the settlement, and particularly these abuses of corruption. ^{21 APR. 1789.} Much trust is put in his frugality—his order—his management of his private affairs; and from them they hope that he would not ruin his own fortune but improve it by honourable means, and teach the Company's servants the same order and management, in order to free them from temptation to rapacity in their own particular situations.

There have been known to be men, otherwise corrupt and vicious, who, when great trust was put in them, have called forth principles of honour latent in their minds; and men who were nursed in a manner in corruption have been, not only great reformers by institution, but greater reformers by the example of their own conduct. Here then is Mr. Hastings. Great trust is reposed in him. Then I am to show that, soon after his coming to that government, there were means given him instantly of realising those hopes and expectations, by putting into his hands several arduous and several difficult commissions.

My Lords, in the year 1772, the Company had received alarming advices of many disorders throughout the country. ^{Disorders in the country in the year 1772.} There were likewise, at the same time, circumstances in the state of the government upon which they thought it necessary to make new regulations. The famine at Bengal had produced a great many complaints—some true, some exaggerated, but universally spread, as I believe is in the memory of those who are not very young among us—of the famine that prevailed and wasted Bengal, and of the ill use that was made of that circumstance to aggravate the distress for the advantage of individuals. This obliged the Company to a very serious consideration of an affair which dishonoured and disgraced their government, not only at home but through all the countries in Europe, much more than perhaps even more grievous and real oppressions that were exercised under them. It had been marked, and had alarmed their feelings and called the attention of the public upon them in an eminent manner. Your Lordships remember the death of Jaffier Ali Khan, the first of those subahdars who introduced the English power into Bengal. ^{Minority of the Nawab of Bengal.} He died about four or five years before this period. He was succeeded by two of his sons, who succeeded to one another in a very rapid succession. The first was the person whom we have read an account to you of. He was the natural son of the Nawab by a person called Munny Begum, who, for those corrupt gifts, the circumstances of which we have

21 APR. 1789. recited, had, in prejudice of the lawful issue of the Nawab, been raised to the musnud. But, as "bastard slips," it is said in King Richard (an abuse of a Scripture phrase), "do not take deep root*," this bastard slip, Nujem-ud-Dowla, shortly died, and the legitimate son Seyf-ud-Dowla succeeded him. After him, another legitimate son, Mobaric-ud-Dowla, succeeded, in a minority. When I say succeeded, I wish your Lordships to understand that there is no regular succession in the office of subahdar or viceroy of the kingdom ; but, in general, succession has been considered, and that person has been put in that place upon some principles resembling a regular succession. That regular succession had been broken in favour of a natural son, and the mother of that natural son did obtain the superiority in the female part of the family for a time.

Deposition
and arrest
by the Com-
pany of
Mohammed
Reza Khan,
Deputy
Steward of
Bengal.

In consequence of these two circumstances—namely, the famine and the abuses that were supposed to arise from it, and the minority of Mobaric-ud-Dowla, who now reigns, or appears to reign—in consequence of these two circumstances, the Company gave two sets of orders. The first was, that, as Mohammed Reza Khan, who was—as your Lordships remember, I took in the beginning of this affair means of explaining—Lord Deputy of the province under the native government ; the English holding the diwanni, he was Deputy Diwan, or High Steward, under the name of the English, and had the command of the whole revenue ; as he was accused before the Company—the channel of which accusation we now learn—that he had aggravated that famine by a monopoly for his own benefit, the Company, upon these loose and general charges, ordered that he should be divested of his office ; that he should be brought down to Calcutta, and, there, be obliged to render an account of his conduct.

Offices held
by Moham-
med Reza
Khan.

The next regulation they made was concerning the effective government of the country, which was become vacant by the removal of Mohammed Reza Khan. The offices which he held were in effect these. He was guardian to the Nawab, by the appointment of the Company ; he had the care and management of his family ; he had the care of the public justice ; and he represented that shadow of government to foreign nations which it was the policy of

* Wisdom, iv. 3 :—The text chosen by Dr. Shaw, in preaching to the citizens of London, in Richard's sermon

the Company at that time to keep up. This was the person ^{21 APR. 1789.} whom Mr. Hastings removed. In consequence of which removal all these offices were to be supplied—of guardian of the Nawab's person and manager of his family; of chief magistrate, and representative of the fallen dignity of the native government to the foreign nations which traded to Bengal.

There were to these added an instruction of a very remarkable nature, which was a third trust that was given to Mr. Hastings—that, during the Nawab's minority, he should reduce the allowance, which was thirty-two lacs, to sixteen; and that, to prevent the abuse of this restricted sum, and to prevent it being directed by the minister's authority to other purposes than that for which the Company allowed it—as his own—of these sixteen lacs an account was to be regularly kept, as a check upon the person so appointed, and was to be transmitted to Calcutta and sent to England.

Order by the Company for reduction of the Nawab's allowance.

Now we are to show your Lordships what Mr. Hastings' conduct was upon all these occasions. And, for this, we mean to produce you testimony recorded in the Company's books, and authentic documents taken from the public offices of that country. At the same time, I do admit that there never was a positive testimony that did not stand something in need of the support of presumption. For, as we know that witnesses may be perjured, and as we know that documents can be forged, we have recourse to a known principle in the laws of all countries—that circumstances cannot lie; and, therefore, if the testimony that is given was ever so clear and positive, yet, if it is contrary to the circumstances of the country—if it is contrary to the circumstances of the facts to which it alludes—if the deposition is totally adverse and alien to the characters of the persons—then I will say that, though the testimonies should be many, though they should be consistent, and though they should be clear, yet they will still leave some degree of hesitation and doubt upon every mind timorous in the execution of justice, as every mind ought to be. If, for instance, ten witnesses were to swear that the Chief Justice of England—that the Lord High Chancellor, or the Archbishop of Canterbury—was seen in the robes of his function at noonday robbing upon the highway, it is not the clearness—the weight—the authority—of testimonies that could make me believe it. I should attribute it to any cause—either corruption, mistake, error or madness—rather than believe

Congruity of the evidence to be produced with the known character of Mr. Hastings.

21 APR. 1789. that fact. Why? Because it is totally alien to the character of the person, the situation, the circumstances, and to all the rules of probability. But if, on the contrary, the crime charged has a perfect relation with the person, his known conduct, his known habits, with the situation and circumstances of the place that he is in, and with the very corrupt inherent nature of the act that he does, then much less proof than—thank God!—we are able to produce, will serve; and, according to the nature and strength of the presumptions arising from the inherent nature of a vicious principle and vicious motives in the act, they may either strengthen the weakest evidence, or, if it comes to a sufficient height, turn the whole burthen of proof upon the party accused. So we shall think ourselves bound to show your Lordships, in every step of this proceeding, that there is an inherent presumption of corruption in every act. We shall show the presumptions which preceded—we shall show the presumptions which accompanied—the proof, and that subsequent presumptions all through make it impossible to disbelieve it. I shall show that such a body of proof was never given upon any such occasion; and it is such proof as will prevail against the whole voice of corruption—that amazing, active, diligent, spreading voice, which has been made, by buzzing in every part of this country, sometimes to sound like the public voice. It will put it to silence, by showing that your Lordships have proceeded upon the strongest evidence, active and passive.

Fulness of
proof of the
crimes
alleged.

Alacrity of
Mr. Hastings
in executing the
order for
the arrest of
Mohammed
Reza Khan.

First, Mr. Hastings received a positive order to seize upon Mohammed Reza Khan. That order he executed with a military promptitude of obedience, which will show your Lordships what services he is put upon that are congenial to his own mind, and which find in him always a ready acquiescence, a faithful agent, and a spirited instrument in their execution. The very day after he received the order, he sent up privately, without communicating with his Council, from whom he was not ordered to keep this proceeding a secret—he sent up and found that great and respectable man and respectable magistrate, who was in all those high offices which I have stated—and, if I was to compare them to circumstances and situations in this country, I should say he had united in himself the character of First Lord of the Treasury, the character of Chief Justice, the character of Lord High Chancellor, and the character of Archbishop of Canterbury—who was a man of great gravity, dignity and authority, and advanced in years. He had once

100,000*l.* a year for the support of his dignity, and had at that time 50,000*l.* This man, sitting in his garden, reposing himself after the toils of his situation—for he was one of the most laborious men in the world—was suddenly arrested, and, without a moment's respite, dragged down to Calcutta, and there by Mr. Hastings—exceeding the orders of the Company—confined near two years under a guard of soldiers. He kept this great man for several months without even attempting a trial upon him. How he tried him afterwards, and whether you will not judge from the circumstances of that trial that, as he was not tried for his crime, so neither was he acquitted for his innocence, your Lordships may probably in the course of this business inquire; but, at present, I leave him in that situation. Mr. Hastings, unknown to his Council, having exceeded the orders of the Company in the last degree of rigour to this unhappy man, keeps him in that situation without a trial, under a guard, separated from his country, disgraced and dishonoured, and by Mr. Hastings' express order not suffered either to make a visit or receive a visitor.

21 APR. 1789.

Detention of
Mohammed
Reza Khan
without
trial.

There was another commission for Mr. Hastings contained in these orders. The Company, because they were of opinion that justice could not be easily obtained while the first situations of the country were filled with this man's adherents, desired Mr. Hastings to displace them; but they left him a large power, confiding in his justice, prudence and impartiality, by no means to abuse a trust of such delicacy. But we shall prove to your Lordships that Mr. Hastings thought it necessary to turn out, from the highest to the lowest, several hundreds of people, for no other reason than that they had been put in their employments by that very man whom the English Government had placed there.

Displacement of his
adherents.

We might insist that we could not possibly try Mr. Hastings or come at his wickedness, until we had eradicated his influence in Bengal and left not one man in it who was in any place or office whatever; we are ready to admit we could not do the whole without it; but, at the same time, rather than make a general massacre of every person presumed to be guilty, we should rather leave some of his crimes unproved. He did avow and declare that, unless he turned all these persons out of their offices, he could never hope to come at the truth of any charges against Mohammed Reza Khan, against whom no specific charge

21 APR. 1780. had been made. Yet, upon these loose and general charge⁸ did he seize upon this man, confine him in this manner, and every person who derived any place or authority from him, high or low, was turned out, because otherwise he could not inquire into his conduct !

Mr. Hastings had in the Company's orders something to justify him in rigour, but he had likewise a prudential power over that rigour; and he not only treated this man in the manner described, but every human creature, as if they had been all guilty, without any charge whatever against them. These are his reasons for taking this extraordinary step,—

Reasons
assigned by
Mr. Hastings
for
removing
them.

[“ I pretend not to enter into the views of others. My own were these. Mahomet Reza Khan's influence still prevailed generally throughout the country. In the Nabob's household and at the capital it was scarce affected by his present disgrace. His favour was still courted and his anger dreaded. Who under such discouragements would give information or evidence against him? His agents and creatures filled every office of the nizamat and dewannee. How was the truth of his conduct to be investigated by these? It would be superfluous to add other arguments to show the necessity of prefacing the inquiry by breaking his influence, removing his dependants, and putting the direction of all the affairs which had been committed to his care into the hands of the most powerful or active of his enemies.”]*

Good God! my Lords, if we were to desire, in the House of Commons, and to compel the East India Company, or to address the Crown, to remove, according to their several situations and several capacities, every creature that had been put into office by Mr. Hastings, or that we could make no inquiry into his conduct, should we not be justified by his own example [in assertion] of the absolute necessity of removing every creature of the reigning power before we could inquire into his conduct? We have not done that, though we feel, as he has felt, great disadvantages in proceeding in the inquiry, while every situation in Bengal is notoriously held by his creatures; always excepting the first of all, but which we could show is nothing in such a condition.

Motives of
Mr. Hastings
in his
treatment of
Mohammed
Reza Khan.

Then what do I infer from this, that, in obedience to the orders of the Company, carried so much beyond the necessity—the orders prosecuted with so much rigour, and the inquiry suspended for so long a time—every person in office was removed from his situation? When all these circumstances

* Extract from letter of the Governor General to the Directors, 1st September, 1772 Printed in the Appendix to the “ Minutes of the Evidence,” p. 9103

were used as prefatory to the inquiry, let us judge of what nature and circumstances that inquiry was; when he himself says that, after he had used all these means, he found not the least benefit and advantage from them. The use I make of this is, to let your Lordships see the great probability that Mr. Hastings, finding himself in the very self-same situation of selling Nundcomar to Mohammed Reza Khan and Mohammed Reza Khan to Nundcomar, made a corrupt use of it, and that, as Mohammed Reza Khan was not treated with severity for his crimes, so neither was he acquitted for his innocence. 21 APR. 1789.

We are to show your Lordships what Mr. Hastings' own manner of proceeding with regard to a public delinquent is; but at present we leave Mohammed Reza Khan where he was. The Company had given him severe orders, and very severely had he executed them. The Company gave him no orders not to institute a present inquiry; but he, under pretence of business, neglected that inquiry, and suffered this man to languish in prison, to the utter ruin of his fortune.

Do your Lordships think that there was no presumption of Mr. Hastings having a corrupt view in this business, and putting this great man who was supposed wealthy under contributions? Mr. Hastings never trusted his colleagues with it. What reason did he give for that? Why he supposed that they must be bribed by Mohammed Reza Khan. "For," says he, "as I did not know their characters at that time, I did not know whether Mohammed Reza Khan had not secured them to his interest by the known ways in which great men in the East secure to their interest." He never trusted his colleagues with the secret; and the person that he employed to prosecute Mohammed Reza Khan was his bitter enemy, Nundcomar. I will not go the length of saying that the circumstance of enmity disables a person from being a prosecutor. Under some circumstances it renders a man incompetent from being a witness. But this I know that, having no other person to rely upon, in a charge of one man against another man, but his enemy, and having no other principle to go upon than what is supposed to be derived out of that enmity, forms some considerable suspicion against that proceeding. But in this he was justified by the Company, for Nundcomar, the great rival of Mohammed Reza Khan, was in the worst situation with the Company with regard to his credit.

Concealment of his proceedings from the Council.

His employment of Mohammed Reza Khan's enemy, Nundcomar, in the prosecution.

21 APR. 1780.

Unfavourable opinion held by Mr. Hastings of Nundcomar's character.

He advances all his adherents.

This Nundcomar's politics in the country had been by Mr. Hastings himself, and by several persons joined with him, cruelly represented to the Company, and, accordingly, he stood so ill with them, by reason of Mr. Hastings' representations and those of his predecessors, that the Company ordered and directed Mr. Hastings, if he would be of any use in the discovery, to give him some reward suitable to his services; and they caution him at the same time against giving him any trust which he might employ to the disadvantage of the Company. Now Mr. Hastings began, before he could experience any service from him, by giving him his reward: and not the base reward of a base service—money, but every trust and power which he was prohibited from giving him. Having turned out every one of Mohammed Reza Khan's dependants, he filled every office, as he avows, with the creatures of Nundcomar. Now, when he uses a cruel and rigorous obedience in the case of Mohammed Reza Khan—when he breaks his principles with regard to Nundcomar—when he gives him trust whom he was cautioned not to trust, and when he gives him that reward before any service could be done—I say, when he does that, in violation of the Company's orders and his own principles, it is the strongest evidence that he found them in the situation in which they were in 1765, when bribes were taken; that each party was mutually sold to each other, and faith kept with neither. This was the situation which Mr. Hastings should have dreaded of all things; because he knew he was in that situation in which the most outrageous corruption had been dealt in before.

Arrest of Shitab Roy.

Then there is one circumstance which serves to show that, in the persecution of these great men and the persons employed by them, he could have no other view than to extort money from them. There was a person of the name of Shitab Roy, who had a great share in the conduct of the revenues. Mr. Hastings, in the letter to the Company complaining of the state of their affairs, saying that there were great and suspicious balances in the kingdom of Behar, does not even name the name of Shitab Roy. There was an English counsellor, a particular friend of Mr. Hastings, there, under whose control Shitab Roy acted. Without any charges, without any orders from the Company, he dragged down that same Shitab Roy, and in the same ignominious prison he kept him the same length of time, that is, one year and three months, without trial: and, when the trial

came, there was as much appearance of collusion in the trial 21 APR. 1789. as there was of rigour in the previous process. This is the manner in which he executed the command of the Company for removing Mohammed Reza Khan.

When Mohammed Reza Khan was to be succeeded, your Lordships naturally expect from the character I have given of him, and from the nature of his functions, that Mr. Hastings should be particularly precise—should use the utmost possible care—in nominating a person to succeed him, who might fulfil the ends and objects of his employment, and be at the same time beyond all doubt and suspicion of corruption in any way whatever. Your Lordships have seen how he obeys the rigorous order about Mohammed Reza Khan. You see that, following, as he says, the spirit of that, and finding another man that he imagines might be in the same situation, without any charge he imprisons him. Now let us see how he fills up that office thus vacant. When the Company ordered Mohammed Reza Khan to be dispossessed of his office, they ordered at the same time that his salary should be reduced—that 30,000*l.* was a sufficient recompense for that office. Your Lordships will see, by the allowance for the office, even reduced as it was, that they expected some man of great eminence, of great consequence, and fit for those great and various trusts. They cut off the diwani from it—that is the collection of the revenues; and having lessened his labours they lessened his reward. They ordered that this person, who was to be guardian of the Nawab in his minority, and who was to represent the government, should have but 30,000*l.* The order they gave is this :

Necessity
for caution
in filling up
Mohammed
Reza Khan's
place.

Importance
of the office
inferred
from the
largeness of
the salary.

[“ And that as Mahomet Reza Khan can no longer be considered by us as one to whom such a power can safely be committed, we trust to your local knowledge the selection of some person well qualified for the affairs of government, and of whose attachment to the Company you shall be well assured. Such person you will recommend to the Nabob to succeed Mahomet Reza as minister of the government and guardian of the Nabob's minority, and we persuade ourselves that the Nabob will pay such regard to your recommendation as to invest him with the necessary power and authority. As the advantages which the Company may receive from the appointment of such minister will depend on his readiness to promote our views and advance our interest, we are willing to allow him so liberal a gratification as may excite his zeal and ensure his attachment to the Company. We therefore empower you to grant to the person whom you shall think worthy of this trust an annual allowance not exceeding three lacks of rupees, which we consider not only a munificent reward for any services he shall render the Company, but sufficient to enable him to support his station with suitable rank and

21 APR. 1780. dignity. And here we must add that, in the choice you shall make of a person to be the active minister of the Nabob's government, we hope and trust that you will show yourselves worthy of the confidence we have placed in you, by being actuated therein by no other motives than those of the public good and the safety and interest of the Company.*]

My Lords, here they have given a reward; and they have described a person fit to represent in all capacities the man whom they thought fit to depose. Now, as we have seen how Mr. Hastings obeyed the Company's orders in the manner of removing Mohammed Reza Khan, let us see how he obeyed their order for filling up his post. Your Lordships would have supposed he had made all the order of Mohammedan and Hindu princes pass in strict review before him; that he had considered their age, authority, dignity, the goodness of their manners; and, upon the collation of all these circumstances, had chosen a person fit to be a regent to guard the Nawab's minority from all rapacity whatever, and fit to instruct him in everything. I will give your Lordships Mr. Hastings' own idea of the person necessary to fill up such office:—

Mr. Hastings' view of the character required for the office.

"That his rank [is such as at least may not wound the Nabob's honor or lessen his credit in the estimation of the people by the magisterial command which the new guardian must exercise over him; with abilities and vigour of mind equal to the support of that authority; and the world will expect that the guardian be especially qualified by his own acquired endowments to discharge the duties of that relation in the education of his young pupil, to inspire him with sentiments suitable to the dignity of his birth, and to instruct him in the principles of his religion.]"†

His appointment of a woman to the office.

This, upon another occasion, is Mr. Hastings' sense of the man who ought to be placed in that situation of trust in which the Company ordered him to place him. Did Mr. Hastings obey that order? No, my Lords: he appointed no man to fill that office. What, no man at all? No: he appointed no person at all, in the sense which is mentioned there, which constantly describes a person at least of the male sex. He appointed a woman to fill that office. He appointed a woman, in a country where no woman can be seen—where no woman can be spoken to without the screen of a curtain. For all these various duties described by

* Extract from letter of the Court of Directors to the President and Council of Bengal, 28th August, 1771. Printed in the "Minutes of the Evidence," p. 973.

† Extract of a consultation, 14th September, 1775. Printed in the "Minutes of the Evidence" p. 974.

himself, with all these qualifications, he appointed a woman. 21 APR. 1789.
Do you want more proof than that violent transgression of the Company's orders upon that occasion, that some corrupt motive must have influenced him?

My Lords, it is necessary for me to state the situation of the family, that you may judge from thence of the corrupt motives of his proceedings. History of Munny Begum. The Nawab, Jaffier Ali Khan,

had, among the women of his seraglio, a person called Munny Begum. She was a dancing girl whom he had seen upon some entertainment, and, as he was of a licentious turn, this dancing girl, in the course of her profession as a prostitute, so inveigled the Nawab that, having a child or something that passed for a child by him, he brought her into the seraglio, and the Company's servants sold to that son the succession to that father. This woman was sold as a slave; her profession a dancer; her occupation a prostitute. And, my Lords, this woman, having put her natural son, by corruption, as we state and shall prove, in the place of the legitimate offspring of the Nawab, having him placed by the Company's servants in the musnud, came to the head of the household—that part which relates to the women; which is a large and considerable trust in a country where polygamy is admitted, and where women of great rank may possibly be attended by two thousand of the same sex in an inferior situation. As soon as the legitimate son of the Nawab came to the musnud, there was no ground for keeping this woman any longer in that situation, and, upon an application of the Company to Mohammed Reza Khan to know who ought to have the right to the superiority, he answered, as he ought to have done, that, though all the women of the seraglio ought to have honour, yet that the mother of the Nawab ought to have it. Therefore this woman was removed, and the mother of the Nawab was placed in her situation. In that situation Mr. Hastings found the seraglio. If his duties had gone no further than the regulation of an Eastern household, he must have kept the Nawab's mother there by the rules of that country. What did he do? Not satisfied with giving to this prostitute every favour she could desire,—and money must be the natural object of such a person,—Mr. Hastings deposes the Nawab's own mother; turns her out of the employment, and puts at the head of the seraglio this prostitute, who, at the best of her relation to him, could only be a natural step-mother. If you heard of no more, do your Lordships want anything further to convince you that

She is placed at the head of the seraglio by Mr. Hastings.

2 APR. 1789.

Character
of Munny
Begum.

this must be a violent, atrocious and corrupt, act—suppose it had gone no further than the scraglio? But, when I call this woman a dancing girl, I state something lower than Europeans have an idea of respecting that situation. She was born a slave, bred a dancing girl. Her profession of dancing was not any of those noble and majestic movements which make part of the entertainments of the most wise—of the education of the most virtuous; which improve the manners without corrupting the morals of all civilized people; and of which, among uncivilised people, the professors have their due share of admiration. But these dances were not decent to be seen, nor fit to be related. I shall pass them by. Your Lordships are to suppose the lowest degree of infamy in occupation and situation when I tell you that Munny Begum was a slave and a dancing girl.

The history of the Munny Begum is this :

[“At a village called Balcunda, near Sekindra, there lived a widow, who from her great poverty not being able to bring up her daughter, Munny, gave her to a slave girl belonging to Summin Ally Cawn, whose name was Bissoo. During the space of five years she lived at Shahjehanabad, and was educated by Bissoo after the manner of a dancing girl. Afterwards, the Nabob Shamut Jung, upon the marriage of Ikraim ul Dowlah, brother to the Nabob Surage ul Dowlah, sent for Bissoo Beg’s set of dancing girls from Shahjehanabad, of which Munny Begum was one, and allowed them 10,000 rupees for their expences, to dance at the wedding. While the ceremony was celebrating they were kept by the Nabob; but some months afterwards he dismissed them, and they took up their residence in this city. Meer Mahomed Jaffer Cawn then took them into keeping, and allowed Munny and her set 500 rupees per month; till at length, finding that Munny was pregnant, he took her into his house. She gave birth to the Nabob Nijum ul Dowlah; and in this manner has she remained in the Nabob’s family ever since.”]

Now, it required a very peculiar selection to take such a woman, so circumstanced as whom there was not just such another—to depose the Nawab’s own mother from the superiority of the household, and to substitute this woman. It would have been an abominable abuse and implied corruption in the grossest degree if he had stopped there. He not only did so, but he put her in the very place of Mohammed Reza Khan. He made her guardian; he made her regent; he made her viceroy; he made her the representative of the native government of the country in the eyes of strangers. There was not a trust—not a dignity—in the country

Mr. Hastings appoints her to Mohammed Reza Khan’s office.

* Paper inclosed in a letter from Nunduroy to the Council, received 6th June, 1775. Printed in the “Appendix to the Minutes of the Evidence on the Sixth Charge” No. 98.

which he did not, in the minority of this unhappy person, 21 APR. 1790
her stepson, put into the hands of this woman.

Resist, if you please, the strong presumption of corrup- Inference of corruption.
tion in disobeying the orders of the Company, directing him to select a man fit to supply the place of Mohammed Reza Khan, to exercise all the great and arduous functions of government and of justice, as well as the regulation of the Nawab's household; and then I will venture to say that neither your Lordships nor any man living, when he hears of this appointment, does or can hesitate a moment in seeing that it is the result of corruption; and you only want to know what the corruption is. Here is such an arrangement as I believe never was heard of. A secluded woman in the place of a man of the world; a fantastic dancing girl in the place of a grave magistrate; a slave in the place of a woman of quality; a common prostitute made to superintend the education of a young prince; and a stepmother—a name of horror in all countries—made to supersede the natural mother, from whose body the Nawab had sprung.

These are circumstances that leave no doubt of the grossest and most flagrant corruption. But was there no application made to Mr. Hastings upon that occasion? Why, the Nawab's uncle, whom Mr. Hastings declares to be a man of no dangerous ambition—no alarming parts—no one quality that could possibly seclude him from that situation—makes an application to Mr. Hastings for that place, and was by Mr. Hastings rejected. The reason he gives for his rejection is, because he cannot put any man in it without danger to the Company, who ordered him to put a man into it. One would imagine that this trust he was going to place in him was such as enabled him to overturn the Company in a moment. The situation in which the Nawab's uncle Yeteram-ud-Dowla would have been placed, if he had been placed there, was this:—he had no troops; he had no treasury; he had no collections; he had no one circumstance under heaven to make him dangerous; but was an absolute pensioner and dependant upon the Company, though in high office; and the least attempt to disturb the Company, instead of increasing, would be subversive of his own power. Thus, if Mr. Hastings should still suggest that there was any danger from any man, we shall prove that he was of opinion that there was no danger from any one; that the Nawab was a mere shadow—a cypher; and was kept there only to His rejection of more suitable persons.

21 APR. 1789. soften the English government in the eyes and opinion of the natives.

His plea of economy by reducing the allowance.

The allowance not reduced.

My Lords, I will detail that circumstance no longer, but will bring some collateral circumstances, which will show that Mr. Hastings was at that very time conscious of the wicked and corrupt act he was doing. He was defying the orders of the Company; he was insulting the country, that had never seen a woman in that situation; but, besides this foolish principle of policy which he gives as a reason for it—because your government, says he, cannot be supported by private justice—that is a favourite maxim he holds upon all occasions—besides these reasons he gave of his politic injustice, he gives another reason:—the Company had ordered that 30,000*l.* should be given to such a person. He found that the Company could never dream of giving this woman 30,000*l.* a year. He makes use of that circumstance to justify him in putting her in that place; for he says the Company could never, in the distressed state of its affairs, mean to give 30,000*l.* a year for that office which they ordered to be filled; and, accordingly, upon principles of economy, as well as of principles of prudence, he sees there could be no occasion for giving this salary—that it will be saved to the Company. But, no sooner had he given her the appointment, than that appointment became a ground for giving her that money. The moment he had appointed her, he overturns the very principle upon which he had appointed her, and gives her the 30,000*l.*, and to the officers under her; saving not one shilling to the Company by this infamous measure, which he justified only upon the principle of economy. Accordingly that 30,000*l.* was given. The principle of economy vanished away. A shocking arrangement was made; and Bengal saw a dancing girl administering its justice, presiding over all its remaining power, wealth and influence, holding out that miserable state of degradation to the natives of the country, and that miserable dishonour to the English Company, by Mr. Hastings abandoning all his own pretences.

Then, my Lords, combine and compare these circumstances. First, that he is desired to name a man: he names a woman. Why? Because a man is not to be trusted. Very well! admit that pretence. Allow it to be policy and justice. Then, who was the fittest woman? The Nawab's mother. He chooses a prostitute—a dancing girl: and puts her in her

place. So that his pretence of there not being safety in a man does not agree with naming that woman. He rejects the woman that was to be named from every tie of blood and consideration of rank, whose every interest under Heaven was bound up with that of her son. He next overturned the pretended principle of economy upon which he appointed her. For, after pretending and holding out that 30,000*l.* would be saved, the 30,000*l.* is given.

But there is a still stronger presumption. The Company ordered that this person, who had the management of the Nawab's revenue, who was his guardian, should keep a strict account, which account should be annually transmitted to the Presidency, and from the Presidency to Europe. And the purpose of it was to keep a control upon the reduced expenses of the sixteen lacs, which were ordered in the manner I mentioned. Your Lordships will naturally imagine that that control was kept safe. No; here is the order of the Directors, and you will see how Mr. Hastings obeyed it:—

Order of the Directors that the guardian of the Nawab should keep an account.

"As the disbursement of the sums allotted to the Nabob for the [maintenance of his household and family, and the support of his dignity, will pass through the hands of the minister who shall be selected by you, conformable to our preceding orders, we expect that you will require such minister to deliver annually to your Board a regular and exact account of the application of the several sums paid by the Company to the Nabob. This you will strictly examine, and we trust that you will not suffer any part of the Nabob's stipend to be appropriated to the minister's own use, or wasted among the unnecessary dependants of the court, but that the whole amount be applied to the purposes for which it was] assigned by us."*

One would have imagined that, after Mr. Hastings had made so suspicious an arrangement—I will not call it more—he would have removed all suspicion with regard to money; that he would have obeyed the Company as to the control which they had ordered to be placed over a man—even a fit man and a man worthy of that trust. Why, what is his answer, when, three years after, he is desired to produce this account? His answer is:—

The order not enforced by Mr. Hastings.

"I can save the Board the trouble of this reference, by acquainting them that no such accounts have ever been transmitted, nor, as I can affirm with more certain knowledge, any orders given for that purpose, [either to Goordass, to whose office it did not properly belong, or to the Begum, who had the actual charge and responsibility of those] disbursements."†

* Extract from letter of the Court of Directors, 28th August, 1771.—Printed in the "Minutes of the Evidence," p. 793.

† Extract of Consultation, 21st June, 1775.—Printed in the "Minutes of the Evidence," p. 983.

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Corrupt
motives
inferred.

He has given to this woman the charge of all the disbursements of the Company. The officer whom you would imagine would be responsible was not responsible; but to this prostitute and dancing girl the whole of the revenue was given. When he was ordered to transmit that account, he not only did not keep that account, but gave no order that it should be kept. By which means, no doubt can be left upon your Lordships' minds that the sixteen lacs, which were reserved for the support and dignity of the government of that country, were employed in order that Mr. Hastings should have a constant bank from which he should draw every corrupt emolument he should think fit, for himself and his associates. So your Lordships see that he had put an improper person there; that he removed the control; that the very accounts, which were to be the guardians of his purity and the removal of suspicion from him, he never so much as directed or ordered. If any one can doubt that that transaction was in itself corrupt, I can only say that he has a mind and constitution of character totally different from that which prevails in any of the higher or lower branches of judicature in any country in the world. The suppression of an account is a proof of corruption. That account was ordered, and it was Mr. Hastings' duty to see that it was kept.

Mr. Hastings, in doing acts of violence to Mohammed Reza Khan, in making any arrangements of the Company's affairs in which corruption had been before exercised, was bound by a particular responsibility that there should be nothing mysterious in his conduct—that all the accounts should at least be well kept. He appointed a person nominally for that situation, namely, the Raja Goordass. Who was he? A person acting, he says, under the influence of Raja Nundcomar, whom he had declared was not fit to be employed or trusted. All the offices were filled by him. But yet Raja Goordass, whose character is that of an excellent man, against whom there could be no reasonable objection on account of his personal character, but who wanted parts, to be supplied by Nundcomar, whose parts Mr. Hastings spoke as highly of as he could,—had he the management? No: but Munny Begum. Did she keep any accounts? No. Mr. Hastings was ordered—and a very disagreeable and harsh order it was—to take away one half of the Nawab's allowance, which he had by a treaty. I do not charge Mr. Hastings with that. He had nothing to

Order of the
Directors
for the
reduction of
the Nawab's
allowance.

do with that. Sixteen lacs were cut off and sixteen left. ^{21 APR. 1789.} These two sums have been distributed, one for the support of the seraglio and the [dignity] of the state, the other for the court establishment and the household. The sixteen lacs which were left, therefore, required to be well economised and well administered. There was a rigour in the Company's order relative to it; which was, that it should take place by an antedated time, and that for the whole course of a year. The order was that the Nawab's stipend should be reduced to sixteen lacs a year from the month of January. Mr. Hastings makes this reflection upon it, in order to leave no doubt upon your mind of his integrity in administering that great trust. He says,—

“Your order for the reduction of the Nabob's stipend [was communicated to him in the month of December 1771. He remonstrated against it, and desired it might again be referred to the Company. The Board tacitly acquiesced in his remonstrance, and the subsequent payments of his stipend were made as before. I might easily have availed myself of this plea. I might have treated it as an act of the past government, with which I had no cause to interfere, and joined in asserting the impossibility of his defraying the vast expense of his court and household without it; which I could have proved by plausible arguments drawn from the actual amount of the Nizamut and Behla establishments, and both the Nabob and the Begum would have liberally purchased my forbearance. Instead of pursuing this plan I carried your orders rigidly and literally into execution. I reduced the Nabob's stipend from the date on which the first notification of it was made to him. I undertook myself the laborious and reproachful task of limiting his charges from an excess of his former stipend to the sum] of his reduced allowance.”*

Mr. Hastings' observations on the order.

He says in another place,—

“The stoppage of the King's tribute was an act of mine, [and I have been often reproached with it. It was certainly in my power to have continued the payment of it; and to have made my terms with the King for any part of it, which I might have chosen to reserve for my own use. He would have thanked me] for the remainder.”

My Lords, I believe it is a singular thing, and which your Lordships have been very little used to, to see a man in the situation of Mr. Hastings, or in any situation like it, so ready in knowing all the resources by which sinister emolument may be made, by which it may be concealed, and in which under pretences of public good, it may be transferred into the pocket of him who uses those pretences. He is resolved, if he is innocent, that his innocence shall not proceed from

* Extract from letter of Mr. Hastings to the Directors, 25th March, 1775.—Printed in the “Minutes of the Evidence,” p. 984, and in Appendix I. to the Eleventh Report of the Select Committee on Affairs of India, 1783.

21 APR. 1789. ignorance. He well knows the ways of falsifying the Company's accounts; he well knows the necessities of the natives; and knows that, by paying a part of their dues, they will be ready to give an acquittance of the whole. These are marks of Mr. Hastings' knowledge which your Lordships will see he well knows how to avail himself of.

Payment of
the full
allowance
continued
by Mr. Hastings.

But you would expect that, when he reduced the allowance to sixteen lacs, and took credit to himself in this business, he had in that instance done what he professed; and, from his rigour and his cruelty arguing his strict and literal obedience to the Company, that he had done it. The very reverse: for it will be in proof that, after he had pretended to reduce the Company's allowance, from the day in which he said he had entirely executed it, he continued it a twelvemonth longer, and entered a false account of the suppression in the Company's accounts. And when he has taken a credit, as under pretence of reducing that allowance, he paid 90,000*l.* more than he ought. Can you have a doubt, of the man who committed all that fraud, made use of all this fabrication and suppression, that that 90,000*l.*, of which he kept no account and transmitted no account, was money given to himself for his own private use and advantage?

For his own
advantage.

Reflections
on the
transaction.

This is all that I think necessary to state to your Lordships upon this monstrous part of the arrangement. And, therefore, from his rigorous obedience in cases of cruelty, and, where coercion was expected, from his total disobedience, and from the choice of persons, there arises a strong inference of corruption. From his suppression of the accounts that ought to have been produced, and falsifying the accounts that were kept, when your Lordships see it in proof, your Lordships will justify me in saying that there never was, taking every part of the arrangement, such a direct open violation of any trust. Because, wherever there are pecuniary trusts and pecuniary transactions, accounts ought to be kept accurately of all such transactions. When accounts are not kept—when orders for keeping them are disobeyed—when false accounts are substituted in the stead of them—there must be something evil to cover. I shall say no more with regard to the appointment of Munny Begum.

My Lords, here ended the first scene; and here ends that body of presumption, arising from the transaction and inherent in it, which I have brought for your Lordships' consideration.

Now, my Lords, the next part that I am to bring before you is, the positive proof that was given of a corrupt transaction, in a business in which I am sure you already see that corruption must exist. That charge was brought by a person in the highest trust and confidence with Mr. Hastings—a person employed in the management of the whole transaction—a person of most entire confidence in the subordinate management, under Munny Begum, of all the pecuniary transactions and all the arrangements made upon that occasion.

21 APR. 1789.
Charges brought against Mr. Hastings by Nundcomar.

On the 11th day of March, 1775, Nundcomar gives to Mr. Francis, a member of the Council, a charge against Mr. Hastings, consisting of two parts. The first of these charges was a vast number of corrupt dealings, of which he was the informer, but not the witness, but to which he indicated the modes of inquiry. And they are corruptions, as Mr. Hastings himself states them, amounting to millions of rupees; and in transactions every one of which implies in it the strongest degree of corruption.

Nundcomar informer only, not a witness, of the first branch of the charge.

The next branch was of those to which he was not only an informer but a witness, in having been the person who himself transmitted the money to Mr. Hastings and the agents of Mr. Hastings. And, accordingly, upon this part, which is the only part which we charge, his evidence is clear and full, that he gave the money to Mr. Hastings—he and the Begum—for I put the whole body of these people together. Accordingly, he states that Mr. Hastings received for the appointment of Munny Begum to the Rajaship two lacs of rupees, or about 22,000*l.*; and that he received, in another gross sum, one lac and a half of rupees; in all making three lacs and a half, or about 36,000*l.* This [charge] was signed by the man and accompanied with the account.

A witness in the second branch.

Charge of taking a bribe of two lacs from Munny Begum.

Mr. Hastings on that day made no reflection or observation whatever upon this charge, except that he attempted to excite some suspicion of Mr. Francis, who had produced it, as knowing of the transaction and having been the principal mover in it. He asks Mr. Francis that day this question:—

Attempt by Mr. Hastings to throw discredit on Mr. Francis.

["The Governor General observes, as Mr. Francis has been pleased to inform the Board that he was unacquainted with the contents of the letter sent in to the Board by Nundcomar, that he thinks himself justified in carrying his curiosity further than he should have permitted himself without such a previous intimation; and, therefore, begs leave to ask Mr. Francis whether he was before this acquainted with Nundcomar's intention of bringing such charges against him before the Board. Mr. Francis—'As a member of this Council, I do not deem myself obliged to

21. APR. 1780. answer any question of mere curiosity. I am willing, however, to inform the Governor General that, though I was totally unacquainted with the contents of the paper I have now delivered in to the Board till I heard it read, I did apprehend in general that it contained some charge against him. It was this apprehension that made me so particularly cautious in the manner of receiving the Raja's letter. I was not acquainted with Raja Nundomar's intention of bringing in such charges as are mentioned in the letter.""]*

The duty of inquiry into the charge.

Now, what the duty of Mr. Hastings and the Council was, upon receiving such information, I shall beg leave to state to your Lordships from the Company's orders. But, before I mention them, I must observe that by the Act of Parliament, which was supposed to be made upon account of the neglect of the Company, as well as neglects of their servants—and for which general neglects responsibility was fixed upon the Company for the future, while for the present their authority was suspended, and a Parliamentary commission sent out to regulate their affairs—the Company, being ordered by Parliament to instruct their servants, upon that occasion did make a general code and body of instructions to be observed. The 35th paragraph says,—

"We direct that you immediately cause the strictest inquiry [to be made into all oppressions which may have been committed either against the natives or Europeans; and into all abuses that may have prevailed in the collection of the revenues, or any part of the civil government of the Presidency; and that you communicate to us all information which you may be able to learn relative thereto, or to any dissipation or embezzlement of the Company's money."]†

Your Lordships see here that there is a direct duty fixed upon them, to forward—to promote—to set on foot—without exception of any persons whatever, an inquiry into all manner of corruption, speculation and oppression. Therefore it was a case exactly within the Company's orders. Such a charge was not sought out, but was actually laid before them. But, if it had not been actually laid before them, if they had any reason to suspect that such corruptions existed, they were bound by this order to make an active inquiry into them.

No inquiry instituted by Mr. Hastings.

Upon that day—the 11th—nothing further passed; and, as far as we can find from Mr. Hastings, that charge might have stood upon the records for ever, without his making the smallest observation upon it or taking any one step to

* Extract from Consultation of the 11th March, 1775.—Printed in the "Minutes of the Evidence," p. 1003.

† Printed in the "Minutes of the Evidence," v. viii.

ear his own character. But Nundcomar was not so in- 21 APR. 1789.
tentive to his duties, as an accuser, as Mr. Hastings was to
his duties, as an inquirer. For, two days after, upon the
first Board day that he could come, without one moment's
delay, he delivers the following letter:—

"I had the honour to lay before you [in a letter of the 11th instant, Letter of Nundcomar.
an abstracted but true account of the conduct of the Honourable
Governor in the course of his administration. What is there written I
can not in the least to alter; far from it. I have the strongest written
proofs to produce in support of what I have advanced, and I wish
to intreat, for my honour's sake, that you will suffer me to appear
before you to establish the fact by an additional incontestible evidence."]*

My Lords, I will venture to say, if ever there was an
accuser that appeared well and with weight before any body,
it was this man. He does not shrink from it. His ideas of
honour were, that he was to meet the person he charged
face to face; to make good his charge by his own evidence,
and further evidence that he should produce. There never
did appear, before any body whatever, a charge more worthy
to be inquired into.

Your Lordships have seen the conduct of Mr. Hastings
on the first day. You have seen his acquiescence in it.
You have seen the suspicion he endeavoured to raise. Now Specific character of the charge.
I am to remark upon this accusation, before I say what Mr.
Hastings thought of it, that it is a specific accusation, coming
from a person knowing the very transaction and known
to be concerned in it; that it was an accusation in writing;
that it was an accusation with a signature; that it was an
accusation with a person to make it good; that it was made
before a competent authority, and made before an authority
bound to inquire into such accusation.

When he comes to produce his evidence, he tells you first
the sums of money given, the specie in which they were
given, the very bags in which they were put, the exchange
that was made by reducing them to the standard money of
the country; he names all the persons through whose hands
the whole transaction went, eight in number, besides himself,
Munny Begum and Goordass, making eleven, all referred to
in this transaction. I do believe that, since the beginning
of the world, an accusation never was or ever appeared
which it was more necessary to take notice of; because there
never was an accusation which put a false accuser in a worse
situation, and that put an honest defendant in a better. For

21 APR. 1789. there was every means of collation, every means of comparison, every means of cross examining, every means of control. There was every way of sifting evidence in which evidence could be sifted; eleven witnesses to the transaction, who are referred to; all the particulars; the bankers to whom paid, the hands through which paid, the specie in which paid, the money-bags in which put. There is every circumstance that would give any person that was accused the advantage of showing the falsehood of the accusation. General accusations may be treated as calumnies, but particular accusations like these afford the defendant, if innocent, every means that can be thought of for making his defence. Therefore, the very making no defence at all upon it would prove beyond all doubt a consciousness of guilt. Therefore, the first witness we mean to bring before your Lordships is Nundoomar.

Conduct of
Mr. Hastings
in reference to the
charge.

The next thing your Lordships will see, is the conduct Mr. Hastings held upon this occasion. You would imagine that he had collected himself upon the occasion; that he had treated the accusation with a cold and manly disdain; that he had challenged and defied inquiry, and desired to see his accuser face to face. This is what any man would do in such a situation. I can conceive very well that a man composed, firm, and collected in himself, conscious of not only integrity but known integrity, conscious of a whole life beyond the reach of suspicion, in a situation of that kind may oppose general character to general accusation, and stand collected in himself, poised on his own base, and defying all the calumnies in the world. But as it shows a great, and is a proof of a virtuous, mind to despise calumny, it is the proof of a guilty mind to despise a specific accusation, when made before a competent authority and with competent means to prove it. As Mr. Hastings' conduct was what no man living expected, I will venture to say that no expression can do it justice but his own. Upon the reading this letter, and a motion being made that Raja Nundoomar be brought before the Board to prove the charge against the Governor General, the Governor General enters the following minute :—

His minute,
prohibiting
the exami-
nation of
Nundoomar
at the
Bar.

[“ Before the question is put, I declare that I will not suffer Nundoomar to appear before the Board as my accuser. I know what belongs to the dignity and character of the first member of this administration. I will not sit at this Board in the character of a criminal; nor do I acknowledge the members of this Board to be my judges. I am reduced to his accuser to make the declaration that I look upon General

Clavering, Colonel Monson and Mr. Francis, as my accusers. I cannot ^{21 APR. 1789.} prove this in the direct letter of the law, but in my conscience I regard them as such, and I will give my reasons for it. On their arrival at this place, and on the first formation of the Council, they thought proper to take immediate and decisive measures in contradiction and for the repeal of those which were formed by me in conjunction with the last administration. I appealed to the Court of Directors from their acts. Many subsequent letters have been transmitted both by them and by me to the Court of Directors. By me in protestation against their conduct, by them in justification of it. Quitting this ground, they since appear to me to have chosen other modes of attack, apparently calculated to divert my attention and to withdraw that of the public from the subject of our first differences, which regarded only the measures that were necessary for the good of the service, to attacks directly and personally levelled at me, for matters which tend to draw a personal and popular odium upon me, and fit instruments they have found for their purpose,—Mr. Joseph Fowke, Mahrajah Nundcomar, Roopnarain Chowdry, and the Ranny of Burdwan. It appears incontestably upon the records that the charges preferred by the Ranny against me proceeded from the office of Mr. Fowke. All the papers transmitted by her came in their original form, written in the English language, some with Persian papers, of which they were supposed to be translations, but all strongly marked with the character and idiom of the English language. I applied on Saturday last for Persian originals of some of the papers sent by her, and I was refused. I am justified in declaring my firm belief that no such originals exist. With respect to Nundcomar's accusations, they were delivered by the hands of Mr. Francis, who has declared that he was called upon by Rajah Nundcomar, as a duty belonging to his office as a councillor of this state, to lay the packet which contained them before the Board. That he conceived that he could not consistently with his duty refuse such a letter, at the instance of a person of the Rajah's rank, and did accordingly receive it, and lay it before the Board, declaring at the same time that he was unacquainted with the contents of it. I believe that the Court of Directors, and those to whom these proceedings shall be made known, will think differently of this action of Mr. Francis: that Nundcomar was guilty of great insolence and disrespect in the demand which he made of Mr. Francis; and that it was not a duty belonging to the office of a councillor of this state to make himself the carrier of a letter which would have been much more properly committed to the hands of a peon or hircarra, or delivered by the writer of it to the secretary himself. Mr. Francis has acknowledged that he apprehended in general that it contained some charge against me. If the charge was false it was a libel; it might have been false for anything that Mr. Francis could know to the contrary, since he was unacquainted with the contents of it. In this instance, therefore, he incurred the hazard of presenting a libel to the Board; this was not a duty belonging to his office as a councillor, of this state. I must further inform the Board that I have been long since acquainted with Nundcomar's intentions of making this attack upon me. Happily Nundcomar, among whose talents for intrigue that of secrecy is not the first, has been ever too ready to make the first publication of his own intentions. I was shown a paper containing many accusations against me, which I was told was carried by Nundcomar to Colonel Monson, explaining the nature of those charges. I mention only what I was told; but as the rest of the report which was made to me corresponds

21 APRIL 1789. exactly with what has happened since, I hope I shall stand acquitted to my superiors and to the world in having given so much credit to it as to bring the circumstance upon record. I cannot recollect the precise time in which this is said to have happened, but I believe it was either before or at the time of the despatch of the *Bute* and *Pacific*. The charge has since undergone some alteration, but of the copy of the paper which was delivered to me containing the original charge I caused a translation to be made. When suspecting the renewal of the subject in this day's consultation, I brought it with me, and I desire it may be recorded, that, when our superiors or the world, if the world is to be made judge of my conduct, shall be possessed of these materials, they may, by comparing the supposed original and amended list of accusations preferred against me by Nundecomar, judge how far I am justified in the credit which I give to the reports above mentioned. I do not mean to infer from what I have said that it makes any alteration in the nature of the charges whether they were delivered immediately from my ostensible accusers, or whether they came to the Board through the channel of patronage, but it is sufficient to authorize the conviction which I feel in my own mind that those gentlemen are parties in the accusations of which they assert the right of being the judges. From the first commencement of this administration, every means have been tried both to deprive me of the legal authority with which I have been trusted and to proclaim the annihilation of it to the world; but no instance has yet appeared of this in so extraordinary a degree as in the question now before the Board. The chief of the administration, your superior, gentlemen, appointed by the legislature itself, shall I sit at this Board to be arraigned in the presence of a wretch whom you all know to be one of the basest of mankind? I believe I need not mention his name, but it is Nundecomar. Shall I sit here to hear men collected from the dregs of the people give evidence at his dictating against my character and conduct? I will not. You may if you please form yourselves into a committee for the investigation of these matters in any manner which you may think proper, but I will repeat that I will not meet Nundecomar at the Board, nor suffer Nundecomar to be examined at the Board, nor have you a right to it, nor can it answer any other purpose than that of vilifying and insulting me to insist upon it. I am sorry to have found it necessary to deliver my sentiments on a subject of so important a nature in an unpremeditated minute drawn from me at the Board, which I should have wished to have had leisure and retirement to have enabled me to express myself with that degree of caution and exactness which the subject requires. I have said nothing but what I believe and am morally certain I shall stand justified for in the eyes of my superiors and the eyes of the world; but I reserve to myself the liberty of adding my further sentiments in such a manner and form as I shall hereafter judge necessary."*

My Lords, you see here the picture of the man drawn by himself. You see the hurry, the passion, the precipitation, the confusion in which he is thrown by all the perplexity of detected guilt. You see, my Lords, that, instead of defending himself, instead of suffering his ac-

* Printed in the "Minutes of the Evidence" p. 1004.

user to go on, he rails at his accuser in the most indecent language, calling him a wretch whom they all knew to be the basest of mankind; that he rails at the Council, by attributing their conduct to the worst of motives; that he rails at everybody, and supposes an accusation there brought to be a libel. In short, you see plainly that the man's head is turned. You see there is not a word he says upon this occasion which has common sense in it. You see one great principle leading in it—that he does not once attempt to deny the charge. He attempts to vilify the witness; he attempts to vilify those he supposes to be his accusers; he attempts to vilify the Council; he lies upon the accusation; he mixes it with other accusations which had nothing to do with it, and out of the whole of that he collects a resolution—of what?—to meet his adversary and defy him? No;—that he will not suffer him to appear before him. “I will not sit at this Board in the character of a criminal; nor do I acknowledge the Board to be my judges.”

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He was not called upon to acknowledge them to be his judges. Both he and they were called upon to inquire into all corruptions without exception. It was his duty, not merely to traverse and oppose them, while inquiring into acts of corruption, but he was bound to take an active part in it; that, if they had a mind to let such a thing sleep upon their records, it was his duty to have brought forward the inquiry. No: “I won’t suffer Nundcomar to appear here; nor do I acknowledge the members of this Board to be my judges.” They were not his judges. They were not his accusers. They were his fellow labourers in the inquiry ordered by the Court of Directors, their masters, to purge him of that corruption with which he stood charged. He says Nundcomar is “a wretch, whom you all know to be the basest of mankind.” I believe they did not know the man to be a wretch or the basest of mankind. But if he was a wretch, and if he was the basest of mankind, if he was guilty of all the crimes with which we charge Mr. Hastings—not one of which was ever proved against him—if he was all that?—If any of your Lordships were to have the misfortune to be before this tribunal, before any inquest of the House of Commons or any other inquest of this nation, would you not say that it was the greatest advantage under heaven to you that the man who accused you was a miscreant, the vilest and basest of mankind, by the confession of all the world? Do mankind really then think that to be accused

His objection to the Board as his judges.

His denunciation of Nundcomar, as of vile character.

21 APR. 1789. by men of honour—of weight—of character—upon probable charges, is an advantage to them ; and to be accused by the basest of mankind is a disadvantage? No ; give me, if ever I am to have accusers, miscreants, as he calls him in another place—“ wretches—the basest and vilest of mankind.” The Board, says he, are my accusers. If they were, it was their duty ; but they were not his accusers, but were inquiring into matters which it was equally his duty to inquire into. He would not suffer Nundoomar to be produced. He would not suffer Nundoomar to be examined. He rather suffered such an accusation to stand against his name and character than permit it to be inquired into. Do I want any other presumption upon the spot of his guilt, upon such an occasion, than such conduct as this?

His previous
extolment
of the char-
acter of
Nundoomar.

This man whom he calls “a wretch—the basest and vilest of mankind”—was undoubtedly by himself, in the records of the Company, declared to be one of the first men of that country, and everything that a subject could be—a person illustrious for his birth, sacred with regard to his caste, opulent in his fortune, eminent in his situation ; who had filled the very first offices in that country ; that he was, added to all that, a man of most acknowledged talents, and of such a superiority as made the whole people of Bengal appear to be an inferior race of beings compared with him ; and a man whose outward appearance and demeanour was used to cause reverence and awe, and who at that time was near 70 years of age, which, without any other title, generally demands respect from mankind. And to call him the basest of mankind!—a name which no man is intitled to call another, till he has proved something to justify him in so doing! Notwithstanding his opulence, his high rank, station and birth, he despises him, and will not suffer him to be heard as an accuser before him.

The weight
of accu-
sations
affected by
the char-
acters of
the accusers.

I will venture to say that Mr. Hastings, whether he is elevated by philosophy or inflated by pride, is not like the rest of mankind. Do we not know that, in all accusations preferred by any persons, a great part of their weight and authority comes from the character, the situation, the name, the description, the office, the dignity, of the person who brings the accusation? Mankind are so made, we cannot resist it ; and it has weight, and ever will have *primâ facie* weight, in all the tribunals in the world. If it be a person of bad morals, joined with all that, then I admit that those *our* morals go to take away from the weight of the others ;

t for a proof of that you must have some other grounds
in the charges and the railing of the culprit against him.
ja Nundcomar was a man—and it is not degrading to
ur Lordships to say he was—equal, according to the idea
his country, to the rank of any peer in this House;
sacred as a bishop—with as much gravity and authority
a judge, he was a Prime Minister in the country in
ich he lived: and this man he says is a wretch that he
ll not suffer to be brought before him!

21 APR. 1780.
—
High position of Nundcomar.

If I were to say that his passion is a proof of his guilt?
t there is an action which is more odious than the crimes
attempts to cover; for he has murdered this man, by the
nds of Sir Elijah Impey. And, if his Counsel should be
wise enough to endeavour to detract from the credit of
is man by the pretended punishment to which they brought
n, we will open that dreadful scene to your Lordships,
d you will see that it does not detract from his credit, but
ings an eternal stain and dishonour upon the justice of
eat Britain. I say nothing further of it. As he stood
re—as he gave that evidence that day—that evidence
is to be received. It stands good, and is a record against
r. Hastings, with this addition—that he would not suffer it
be examined. He railed at his colleagues. He says, if
e charge was false they were guilty of a libel. No: it may
the effect of conspiracy; it may be punished in another
y, if it is false; but it is no libel. But the whole of this
to discountenance inquiry, to bring an odium upon his
llagues for doing their duty, and to prevent that inquiry
ich could alone clear his character.

The murder of Nundcomar imputed to Mr. Hastings.

Charge of libel brought by Mr. Hastings against the Council.

Mr. Hastings had forgotten the character which he had
ven of Nundcomar. He says that his colleagues knew and
ro perfectly well acquainted that he was “a wretch—the
sest of mankind.” Now here is the character Mr. Hastings
ve of him when going to put him in the presidency.
am to let your Lordships know, that you may under-
nd fully the purpose for which Mr. Hastings declared
is, when he was going to place Nundcomar in that situa-
n, all his Council, whom he stated himself to be under
spicion of being bought by Mohammed Reza Khan—all
osc persons with one voice cried out against Nundcomar;
d, as Mr. Hastings was of the faction the most opposite to
undcomar, they charged him with direct inconsistency in
ising Nundcomar to that trust; which inconsistency
r. Hastings could not repel any other way than by de-

Character of Nundcomar given by Mr. Hastings.

21 APR. 1782. fending Nundcomar. The weight of their objections chiefly lay to his political character. His moral character was not discussed in that proceeding. He says,—

"The President does not take upon him to vindicate the moral character of Nundcomar. [His sentiments of this man's former political conduct are not unknown to the Court of Directors, who he is persuaded will be more inclined to attribute his present countenance of him to motives of zeal and fidelity to the service, in repugnance perhaps to his own inclinations, than to any predilection in his favour. He is very well acquainted with most of the facts alluded to in the minute of the majority, having been a principal instrument in detecting them; nevertheless, he thinks it but justice to make a distinction between the violation of a trust and an offence committed against our government by a man who owed it no allegiance nor was indebted to it for protection, but, on the contrary, was the minister and actual servant of a master whose interest naturally suggested that kind of policy, which sought by foreign aids and the diminution of the power of the Company to raise his own consequence and to re-establish his authority. He has never been charged with any instance of infidelity to the Nabob Meer Jaffier, the constant terror of whose politics, from his first accession to the Nizamut till his death, corresponded in all points so exactly with the artifices which were detected in his minister that they may be as fairly ascribed to the one as to the other. Their immediate object was beyond question the aggrandisement of the former, though the latter had ultimately an equal interest in their success. The opinion which the Nabob himself entertained of the services and of the fidelity of Nundcomar evidently appeared in the distinguished marks which he continued to shew him of his favour and confidence, to the latest hour of his life. His conduct in the succeeding administration appears not only to have been dictated by the same principles; but, if we may be allowed to speak favourably of any measures which opposed the views of our own government and aimed at the support of an adverse interest, surely it was not only not culpable but even praiseworthy. He endeavoured, as appears by the abstracts before us, to give consequence to his master, and to pave the way to his independence by obtaining a firman from the King for his appointment to the Subaship; and he opposed the promotion of Mahomet Reza Cawn, because he looked upon it as a supercession of the rights and authority of the Nabob. He is now an absolute dependant and subject of the Company] on whose favour he must rest all his hopes of future advancement."*

The character here given him is that of an excellent patriot; a character that all your Lordships, in your several situations, as you may be called to them, will envy; the character of a servant who stuck to his master against all foreign encroachments; who stuck to him to the last hour of his life, and had the dying testimony of his master to his services.

* Minute of Mr. Hastings, 28th July, 1772.—Printed in the "Minutes of the Evidence," p. 626.

Was Sir John Clavering—was Colonel Monson—was Mr. Francis—to know that this man, of whom Mr. Hastings had given that character upon the records of the Company, was “the basest and vilest of mankind?” No; they ought to have esteemed him the contrary. They knew him to be a man of rank; they knew him to be a man, perhaps, of the first capacity in the world; and they knew that Mr. Hastings had given this honourable testimony of him on the records of the Company but a very little time before; and there was no reason why they should think or know, as he expresses it, that he was “the basest and vilest of mankind.” Therefore, from the account of Mr. Hastings, he was a person competent to accuse—a witness fit to be heard; and that is all I contend for. Mr. Hastings would not hear him; he would not suffer the charge he had produced to be examined into.

21 APR. 1789.
The Council
justified in
crediting
Nundcomar.

It will appear to your Lordships that he employed him to inquire [into the conduct of] and to be the principal manager of a prosecution against Mohammed Reza Khan. Will you suffer this man to qualify and disqualify witnesses and prosecutors, agreeably to the purposes which his own vengeance and corruption may dictate, in one part, and the defence of those corruptions may dictate in the other? Was Nundcomar a person fit to be employed in the greatest and most sacred trusts in the country, and yet not fit to be a witness to the sums of money which he paid Mr. Hastings for those trusts? Was Nundcomar a fit witness to be employed and a fit person to be used in the prosecution of Mohammed Reza Khan, and yet not fit to be employed against Mr. Hastings, who himself had employed him in the very prosecution of Mohammed Reza Khan? If Nundcomar was an enemy to Mr. Hastings he was an enemy to Mohammed Reza Khan; and Mr. Hastings employed him, avowedly and professedly, on the records of the Company, for the very qualification of that enmity. Was he “a wretch, the basest of mankind,” when opposed to Mr. Hastings? Was he not as much a wretch and as much the basest of mankind when Mr. Hastings employed him in the prosecution of the first magistrate and first Mohammedan in Asia? Mr. Hastings shall not qualify and disqualify men at his pleasure. He must accept them such as they are; and it is a presumption of his guilt, accompanying the charge, and which I never will separate from it, that he would not suffer the man to be produced who made the accusation. The accusation was

Nundcomar
approved by
Mr. Hastings
as a prosecutor
of Mohammed
Reza Khan.

21 APR. 1789. so made, so witnessed, so detailed, so specific, so entered upon record, so entered upon record in consequence of the inquiries and orders of the Company, that, that evidence standing upon that paper and in those records in witness against him of the corruptions charged in that paper, I contend that his refusal and rejection of inquiry into them is a presumption of his guilt.

Mr. Hastings' apprehension for his dignity.

He is full of the idea of his dignity. It is right for every man to preserve his dignity. There is a dignity of station which a man has in trust to preserve. There is a dignity of personal character which every man, by being made man, is to preserve. But you see Mr. Hastings' idea of dignity has no connection with integrity; it has no connection with honest fame; it has no connection with the reputation which he is bound to preserve. What, my Lords, did he owe nothing to the Company that had appointed him? Did he owe nothing to the Legislature? Did he owe nothing to your Lordships, and to the House of Commons, who had appointed him? Did he owe nothing to himself?—to the country that bore him? Did he owe nothing to the world, and its opinion, to which every public man owes a reputation? What an example was here to hold out to the Company's servants!

His pretence of reserving his defence for a court of justice.

Mr. Hastings says, this may come into a court of justice: it will come into a court of justice:—"I reserve my defence on the occasion till it comes into a court of justice, and here I make no opposition to it." To this I answer, that the Company did not order him so to reserve himself, but ordered him to be an inquirer into those things. Is it a lesson to teach to the inferior servants of the Company, that, provided they can escape out of a court of justice by the back doors and sallyports of the law—by artifice of pleading—by those strict and rigorous rules of evidence which have been established for the protection of innocence, but which by them might be turned to the protection and support of guilt—that in that case they may escape, and that is enough for them?—that an Old Bailey acquittal is enough to establish a fitness for trust; and that, if a man shall go acquitted out of that court, because the judges are bound to acquit him against the conviction of their own opinion, when every man in the market-place knows that he is guilty, he is fit for a trust?

Ill effect of example of questioning an officer

Is it a lesson to hold out to the servants of the Company that, upon the first inquiry that is made into the first cor-

ruption, by the persons authorised to inquire into it, he uses all the powers of that trust to quash it, vilifying his colleagues, vilifying his accuser, abusing everybody, but never denying the charge? His associates and colleagues astonished at this conduct, so wholly unlike every thing that had ever appeared of innocence, request him to consider a little better. They declare they are not his accusers. They tell him they are not his judges; that they, under the orders of the Company, are making an inquiry, which he ought to make. He declares he will not make it. He is then driven to the wall. He says,—“why do you not form yourselves into a committee? I will not suffer these proceedings to go on, as long as I am present.” Mr. Hastings plainly had in view that, if the proceedings had been before a committee, there would have been a doubt of their authenticity, as not being before a regular Board; and he contended that no regular Board could be without his own presence in it. A poor, miserable, scheme for eluding this inquiry, partly by saying that it was carried on when he was not present, and partly by denying the authority of the Board.

His motive for suggesting to the Council to form themselves into a committee of inquiry.

I have nothing to do with the great question that arose upon that occasion, whether, a Governor General being resolved to dissolve a Board, the Board have a right to sit afterwards. It is enough that Mr. Hastings would not suffer them, as a Council, to examine into what, as a Council, they were bound to examine into. He absolutely declared the Council dissolved when they did not accept his committee; for which they had many good reasons, as I shall show in reply, if necessary, and which he could have no one good reason for proposing. He then declares the Council dissolved.

Dissolution of the Council by Mr. Hastings.

The Council, who did not think Mr. Hastings had a power to dissolve them while proceeding in the discharge of their duty, went on as a Council. They called in Nundcomar to support his charge: Mr. Hastings withdrew. Nundcomar was asked what he had to say further in support of his own evidence? Upon which he produces a letter from Munny Begum—the dancing girl that I have spoken of—in which she gives him directions and instructions relative to his conduct in every part of those bribes; by which it appears that the corrupt agreement was made in general for her office with Mr. Hastings, through Nundcomar, before he had quitted Calcutta. It points out the execution of it, and the manner in which every part of the sum was paid; that one lac was

Persistence of the Council in the inquiry.

Production by Nundcomar of letter of Munny Begum, instructing him as to the bribes.

21 Apr. 1780.

Amount of
the bribe.

paid by herself, in Calcutta : a lac which she ordered Nundcomar to borrow, and which he did borrow for the payment of Mr. Hastings ; and a lac and a half which were given to him, besides this purchase money, under colour of an entertainment. This letter was produced—translated—examined—criticised—proved to have the seal of the Begum—acknowledged to have no one mark any other than of authenticity upon it ; and as such entered upon the Company's records, confirming and supporting the evidence of Nundcomar, part by part and circumstance by circumstance. And I am to remark that this document, delivered in, has never been litigated or controverted in the truth of it, from that day to this, by Mr. Hastings. So that, if there was no more, here is enough upon this business.

Two lacs
given as
direct bribe ;
one and a
half as an
entertain-
ment.
Cantoo
Baboo sum-
moned
before the
Council.

Your Lordships will remark that this charge consisted of two parts—two lacs that were given for the corrupt purchase of the office, and one lac and a half, given in reality for the same purpose, but under the colour of what is called an entertainment. Now, in the course of these proceedings, it was thought necessary that Mr. Hastings' banya, Cantoo Baboo—a name your Lordships will be well acquainted with, and who was the minister in this and all the other transactions of Mr. Hastings—should be called before the Board, to explain some circumstances in the proceedings. Mr. Hastings ordered his banya—a native—not to attend the sovereign Board appointed by Parliament for the government of that country and for the inquiry into those transactions. He taught the natives, not only to disobey the orders of the court of Directors, enforced by an Act of Parliament, but he taught his own servant to disobey, and ordered him not to appear before the Board. Quarrels, duels, and other mischief, arose upon it. In short, Mr. Hastings raised every power of heaven and of hell upon this subject ; but in vain—the inquiry went on.

Ordered by
Mr. Hast-
ings not to
appear.

Mr. Hast-
ings prose-
cutes Nund-
comar for
conspiracy.

He does not meet Nundcomar ; he was afraid of him. He was not negligent of his defence, for he flies to the Supreme Court. He there prosecuted an inquiry against Nundcomar for a conspiracy ; he failed in it. Then he attempted several other things, and disabled Nundcomar from appearing before the Board by having him imprisoned, and he utterly crippled that part of the prosecution against him. But, as guilt is never able thoroughly to escape, it did so happen that the Council—finding monstrous deficiencies in the Begum's affairs, finding the Nawab's allowance all squandered : that the most sacred

The Council
instigated to
the inquiry
by misman-
agement of

pensions in it were left unpaid—that nothing but disorder and confusion reigned in the whole—that the Nawab's education was neglected—that he could scarcely read or write—that there was scarcely any mark of a man left in him, except those which nature had at first imprinted—all these abuses existing in a body before them, they sent up to inquire into them. Mr. Hastings found that, this business being divided into two parts, the charge must come fully against him. He contrived a plan, which your Lordships will see the effects of presently, which was, to separate the lac and a half from the two lacs given directly and specifically as a bribe, and, whenever any payment was to be proved of these two lacs, which he knew would be proved against him, and which he never did deny, he contrived this finesse [of diverting the inquiry to the lac and a half]. Accordingly, the proof of the money is somewhat different and in some circumstances agreeing, and we shall bring before you the whole.

21 APR. 1789.
the Nawab's
affairs.

The first part of the proof of the two lacs, as I stated, is proved by Nundcomar—proved with all the means of detection which I stated. The next is Munny Begum's letter, the authenticity of which was established and never denied by Mr. Hastings. They next sent to inquire of Raja Goordass, who had the management of the Nawab's treasury. He verbally gave an account perfectly corresponding with that of Nundcomar and the Munny Begum's letter. He then gives in writing an attestation, every point of which agrees correctly with the others. So that there are three witnesses upon this business. And he shall not disqualify Raja Goordass; because, whatever character he thought to give Nundcomar, he has given the best of characters to Raja Goordass. He was employed by him in occupations of trust; and, therefore, any objections to his competency could not exist; he has himself given every authenticity to the account. There can be no doubt of the truth of his attestation, and what he had before deposed by word of mouth; and, lastly, Mr. Hastings gives him a character establishing his credibility.

Proofs of the
truth of two
lacs.

Having got thus far, the only thing that remained was to look into the offices, and see whether any trace of them was to be found there. The offices were thrown into confusion in the manner you will hear; but, upon a strict inquiry, there was an office paper produced, called by some persons a warrant, though it is of another nature—a treasury warrant, in which it appears that one lac and a half

Proof of the
payment of
the one and
a half lac.

21 APR. 1789. of this money was desired to be brought to the Nawab by the officers of the treasury, and a question was asked of him, "To what account am I to enter this money which I gave to Mr. Hastings?" To which he says, "Write it off to expense." If there had been a head of entertainment established as a regular affair, the officer would never have gone to the Nawab and asked under what name to enter it; but he found an irregular affair, which he did not know what head to put under, and accordingly it is written off, "A lac and half given to Mr. Hastings, to expense." All the original proceedings—every one of them—carry it that there are three lacs and a half; two lacs by way of bribe, one lac and a half under the colour of an entertainment.

Endeavour of Mr. Hastings to confound the two transactions. Mr. Hastings endeavours to invalidate the first obliquely, not directly, for he never denied it; and partly to admit the second, in hopes that all the proof of payment of the first charge should be merged and confounded in the second. And, therefore, your Lordships will see, from the beginning of that business till it came into the hands of Mr. Smith, his agent, then appearing in the name and character of agent and solicitor to the Company, that this was done to give some appearance and colour to it by a false representation, as your Lordships will see, of every part of the transaction. These were the proofs of the business of the two lacs—the evidence of Nundcomar, the letter of Munny Begum, the evidence of Raja Goordass.

Further proofs of his receipt of the one and a half lac. The evidence of the lac and a half by way of entertainment was at first the same; and, after, begins a series of proofs, which Mr. Hastings, instead of endeavouring to prevent or to baffle, has himself helped us to. For, in the first place, this office paper is produced as if it were in support of that division, to establish that head; and he did not himself resist that he received a lac and a half, because upon that lac and a half he had founded some principle of justification. Accordingly this office paper asserts and proves this lac and a half to be so given, in addition to the other proofs. Then Munny Begum herself is inquired of. There is a commission appointed to go up. Mr. Hastings objects to Mr. Goring's evidence upon this occasion, and, accordingly, he sends up a commission himself. Mr. Goring had given direct evidence that the Begum had put a paper of accounts out of her hand, through her son, into his—which evidence shall be given at your Lordships' bar—in which she expressly said that she gave him a lac and a half for enter-

Commission appointed by Mr. Hastings to inquire of Munny Begum.

tainment. Then he appoints another inquiry. He wanted to supersede Mr. Goring in the inquiry, and he appoints, with the consent of the Council, two creatures of his own to go and assist upon that inquiry; and the question he puts to them in that inquiry is this,—

“ Was the sum of money, charged by you to be given to Mr. Hastings, given as an idea of entertainment customary, or upon what other ground, or upon what other reason ?”

He desires the following questions may be proposed to the Begum:—

“ Was any application made to you for the account, which you have delivered, of three lacs and a half of rupees, said to have been paid to the Governor and Mr. Middleton; or did you deliver the account of your own free will and unsolicited ?”

My Lords, you see that, with regard to the whole three lacs and a half of rupees, she had given an account which tended to confirm it; but Mr. Hastings wanted to invalidate that account, by supposing that she gave it under constraint.

The second question is,—

“ In what manner was the application made to you, and by whom ?

But the great one is this—

“ On what account was the one lac and a half given to the Governor General, which you have laid to his account? Was it in consequence of any requisition from him, or of any previous agreement, or of any established usage ?”

When a man asks, concerning a sum of money charged to be given to him from a person by another person, on what account it was given, he does indirectly admit that that money actually was paid, and wants to derive a justification concerning the mode of the payment of it. And, accordingly, that question was sent up with that inference, and served as an instruction to Munny Begum; and her answer was, that it was given to him as an ancient usage and custom, as an entertainment. So that the fact of the gift of the money is ascertained by the question put by Mr. Hastings to her, and her answer. That establishes two things; first, that she had originally asserted that she had given that sum; second, that, Mr. Hastings supposing she had asserted it and asking why she gave it—she says, as an entertainment. And thus at last comes his accomplice in this business, and gives the fullest testimony to the lac and a half.

There were other witnesses examined upon this business. I must beg leave, before I go further, to state the circumstances of those several witnesses. They were of two kinds—voluntary witnesses, and the detection of accomplices,

21 APR. 1789.
Second inquiry instituted by him.

Questions proposed by him to the Begum.

The fact of donation of the one and a half lac admitted by the Begum.

Witnesses examined as to the bribes.

21 APR. 1789. forced by inquiry and examination to discover their own guilt. Of the first were Nundcomar and Raja Goordass. These were the only two that can be said to be voluntary in the business, and who gave that information without much fear; though the last unwillingly, and with a full sense of the danger of doing it.

The other was the evidence of his accomplice, Munny Begum, wrung from her by the force of truth, and by which she confessed that she gave the lac and a half. She denies giving anything more. She admits giving the lac and a half, and justifies it upon the idea of its being a customary entertainment. This is the evidence of which there remains but one part, that is the evidence of Chittendur, who was one of Mr. Hastings' instruments, and one of the Begum's servants. He, upon being examined and prepared to confound the two lacs with the one lac and a half, says that a lac and a half was given. Then they examine into the particulars of it, and he proves that the sum he gave was two lacs, and not a lac and a half; for he says that there was a dispute about the other half lac. Nundcomar demanded interest, which the Begum was unwilling to allow, and, consequently, that half lac remained unpaid. Now that half lac is no part of the lac and a half, which is admitted on all hands, and proved by the whole body of concurrent testimony, to be given to Mr. Hastings in one lumping sum. When Chittendur endeavours to confound it with the lac and a half, he clearly establishes that it was a parcel of that two lacs; of which he bore evidence, in attempting to prevaricate in favour of Mr. Hastings, that the one lac and a half was paid—which he is willing to allow; but, when he comes to justify it and to enter into the particulars of it, he proves, by the subdivision of the payment which was made, and the nonpayment, that it accords with two lacs and not with the lac and a half.

There are other circumstances in these accounts highly auxiliary to this evidence. The lac and a half was not only attested by Raja Goordass—by the Begum—by Chittendur—by the Begum again, upon Mr. Hastings' own question; indirectly admitted by Mr. Hastings; proved by the orders for it to be written off to expense—such a body of proof as perhaps never existed; but there is one proof still remaining, namely, a paper which was produced to the committee, and which we shall produce to your Lordships. It is an authentic paper, delivered in favour of Mr. Hastings by Major Scott, who acted at that time as Mr. Hastings' agent to a

The bribe of two lacs proved by Chittendur's evidence.

Accumulation of evidence.

Proof from an account delivered by Munny Begum.

committee of the House of Commons, and authenticated to come from Munny Begum herself. All this body of evidence we mean to produce. The first is, in my opinion, satisfactory that he received the two lacs; that he received one lac and a half under the name of entertainment; and that all the rest clearly follows. With regard to the lac and a half, Mr. Hastings is so far from controverting it, even indirectly, that he is obliged to establish it by testimonies produced by himself, in order to sink in that, if he can, the two lacs which he thinks he is not able to justify, and which he fears will be proved against him. The lac and a half I do believe he will not be advised to contest; but, whether he is or not, we shall load him with it; we shall prove it beyond all doubt.

But there are other circumstances, auxiliary in this business, which, from the very attempts to conceal them, prove beyond doubt the fraudulent and wicked nature of the transaction. One lac appears upon the account given by the Begum—the lac which is for Mr. Hastings' entertainment, which is entered in a suspicious neighbourhood; for there is there entered a lac of rupees paid for the subahdari sannads to the Mogul through the Raja Shitab Roy. When we look at these, the first thing we find is that, comparing it with another paper produced, this woman charges the sum paid to be a sum due, and then she charges that to be paid when the Mogul was in the hands of the Mahrattas, when all communication with him was stopped, and when Raja Shitab Roy, who is supposed to have paid it, was under confinement in the hands of Mr. Hastings. Thus she endeavours to conceal the lac of rupees paid to Mr. Hastings.

In order to make the thing clear to your Lordships, as the transaction is made by him, but not in itself, in some degree intricate, we pledge ourselves to give to your Lordships, and which must be a great advantage to the culprit himself, a syllabus—a head—of all the charge and the proof itself, and a clear head of reference to show how far the proof goes to the two lacs, and then to the one lac and a half singly. This we shall put in writing, that you may not depend upon the fugitive memory of a thing not so well perhaps or powerfully expressed as it ought to be. But, in order to give every advantage to the defendant—in order to give every advantage to your Lordships' judgment—we will give in, along with our evidence, a clear head of reference to it, which will, I believe, be thought a clear and fair way of proceeding.

21 APR. 1780.

Promise of a syllabus of the proof of the charges.

21 APR. 1789.

Presumptive proof of guilt from Mr. Hastings' conduct.

The custom of presents for entertainment put forth as a screen.

Circumstances under which the entertainment was given.

Object of his visit to the province to retrench expenses

Your Lordships will judge whether or no the presumptions from Mr. Hastings' conduct at the time, in resisting an inquiry, by preventing his servant appearing as an evidence—by discountenancing and discouraging his colleagues—by raising every obstruction to the prosecution—dissolving the the Council—preventing evidence and destroying all in his power by collateral means—whether that is not a presumptive proof that gives double force to all the proof we produce against him. This lac and a half, I know, he means to support upon the custom of entertainment. It is plain he did so; and your Lordships will be able to judge whether or no a man who was ordered and had covenanted never to take more than 400*l.*, could take 16,000*l.* under colour of an entertainment. I will show your Lordships that what he intends to produce as a justification, that we charge, and that your Lordships and the world will think, the heaviest aggravation of his crime. And, when I have given that to your Lordships and left the just impression of that upon your minds, I shall beg your Lordships' indulgence to finish this member of the business to-morrow.

I have just to state to your Lordships Mr. Hastings' business when he took 16,000*l.* for his entertainment. It is entered there, and the evidence given of it is an entertainment provided for him at the rate of 200*l.* a day; that he staid at Moorshadabad for near three months, at an expense of 200*l.* a day. You will see that, by Mr. Hastings receiving 200*l.* a day for a visit, visits from Mr. Hastings are pretty expensive things:—73,000*l.* a year for an entertainment for Mr. Hastings! We find that Mr. Middleton, an English gentleman, along with him, had received likewise, whether under the same pretence I know not and it does not signify, another sum equal to it. And if these two gentlemen had staid in that country, their several allowances would have been 146,000*l.* a year, out of the Nawab's allowance of 160,000*l.* a year: they would have eaten up the whole of it. Do you wonder that such guests and such hosts are difficult to be divided? Do you wonder that such visits, when so well paid for and well provided for, were naturally long? There is hardly a prince in Europe who would give to another prince of Europe, from his royal hospitality, what was given upon this occasion to Mr. Hastings.

What was Mr. Hastings' business during this long protracted visit? First, he tells you that he came there to reduce all the state and dignity of the Nawab. He tells you that he felt no communction in reducing that state: that the elephants

—the menageric—the stables—all went without mercy, and all the persons concerned in them. He was there to retrench expenses. He turned out every person dependent upon Mohammed Reza Khan, but he says,—

21 APR. 1789.

“I proceeded with great pain, in the reflection that I was the instrument in depriving whole families, all at once, of their bread, and reducing them to a state of penury. Convinced of the necessity of the measure, I endeavoured to execute it with great impartiality.”*

Here he states the work he was employed in when he took this 200*l.* a day for his pay,—

“It was necessary to begin with reforming the household servants of the court, and retrenching the idle parade of elephants, menageries, &c., which loaded the civil list. This cost little regret in performing, but the President who took upon him the chief share in this business acknowledges he suffered considerably in his feelings when he came to touch on the pension list; some hundreds of persons of the ancient nobility of the country excluded under our government from almost all employments, civil or military, had ever since the revolution depended upon the bounty of the Nabob; and near ten lacks were bestowed that way. It is not that the distribution was always made with judgment or impartial, and much room was left for a reform; but when the question was to cut off entirely the greatest part, it could not fail to be accompanied with circumstances of real distress. The President declares that, even with some of the highest rank, he could not avoid discovering, under all the pride of eastern manners, the manifest marks of penury and want. There was, however, no room left for hesitation; to confine the Nabob's expenses within the limited sum it was necessary that pensions should be set aside.”

There is a man sent to execute one of the most dreadful offices that was ever executed by man—to cut off, as he says himself, with a bleeding heart, the only remaining allowance made for hundreds of decayed nobility and gentry of a great kingdom, driven by our government from the offices upon which they existed. In this moment of anxiety and affliction, when he says he felt pain and was cut to the heart to do it, at this very moment, when he was turning over fourteen hundred of the ancient nobility and gentry of this country to downright want of bread, just at that moment while he was doing this act, and feeling this act in this manner, from the collected morsels forced from the mouths of that indigent and famished nobility he gorged his ravenous maw with an allowance of 200*l.* a day for his entertainment. This man is

Withdrawal of pensions from the nobility.

* Minute of Mr. Hastings, 25th January, 1773.—Printed in the Appendix to the “Minutes of the Evidence,” p. 423.

† General Letter to the Court of Directors, 10th November, 1772.—Printed as above, p. 421.

21 APR. 1789. unlike any others. He is never corrupt but he is cruel. He never dines without creating a famine. He does not take from the loose superfluity of standing greatness, but he falls upon the indigent, the oppressed and ruined ; he takes from them double what would maintain them. Not like the generous rapacity of the noble eagle who preys upon a living, struggling, reluctant, equal, prey. No ; he is like the ravenous vulture who falls upon the decayed, the sickly, the dying and the dead, and anticipates nature in the destruction of its object. His cruelty is beyond his corruption. There is something in his hypocrisy which is more terrible than his cruelty. For, at the very time when, with a double and unsparing hand, he sometimes executes a proscription and sometimes sweeps off the food of hundreds of the nobility and gentry of a great country, his eyes overflow with tears, and he turns the precious balm that bleeds from wounded humanity and is its best medicine into a deadly, rancorous, mortal, poison to the human race.

You see that, when he takes 200*l.* a day for his entertainment, he tells you that, in the very act in which he is doing that, he was starving fourteen hundred of the ancient nobility and gentry. My Lords, you have the blood of nobles—if not, you have the blood of men—in your veins. You feel as nobles—you feel as men. What should you say to a cruel Mogul exactor were you all driven from your estates—driven from the noble offices, civil and military, you hold—driven from your bishoprics—driven from your places at court—driven from your offices as judges—from all military situations, and, at last, left a miserable stock of pensioners, to have those pensions wrested from your mouths ; while, at the very time when you had those pensions wrested from you—which that man himself declares to be the only bread of that miserable, decayed, nobility—he takes himself 200*l.* a day for his entertainment, which is continued till it amounts to 16,000*l.* ? I do think that of the corruptions which he has not owned but which he has not denied, or of those which he does in effect own and bring forward the evidence of himself—the two lacs standing unaccompanied with any other circumstances—those which he has claimed and taken under colour of an entertainment are ten times the most nefarious part of the proceedings.

I shall this day trouble your Lordships with no more than this—that your Lordships will observe one circumstance—that he has never directly denied one word of this transaction. He

The trans-
action never
denied by
Mr. Pitt
page

did not deny it at the time: he did not deny it to the court of Directors. On the contrary, he did in effect acknowledge it, when, without directly acknowledging it, he promised them a full and liberal explanation of the whole transaction. He never did give that explanation. He is driven to resign, yet he never once denies this fact. I have tumbled over the records—I have looked at every part, to see whether he denied it. Parliament took up this business. This matter was reported at the end of the Eleventh Report. He took no notice of it when the House of Commons reported it, and made that public which before was upon the Company's records. Then another time comes. He comes before the House of Commons. He knows he is prosecuted for these very corruptions. He well knows these charges exist against him. He comes before the House of Commons; makes his defence—if he will allow it to be his defence. There he has not denied it. That was the time when he was driven to deny it; but, knowing that, if he had denied it, it could be proved upon him when we brought it in the House of Commons, he appeared there at our bar and he did not deny it there. I desire your Lordships will look at that paper which we have given in evidence and see if you find a word of denial of it. There is much discourse, much folly, much insolence, but not one word of denial. Then, at last, it came in judgment against him. I desire to refer you to that part of the defence to the Article in which this is specifically charged. He does not deny it there. The only thing which looks like a denial is one sweeping clause, in order to put us upon the proof of it—that they are to be conceived all as denied: but a specific denial to this specific charge, in no stage of the business from beginning to end, has he once made. And, therefore, with this I close that part of the charge upon this business of Nund-comar. You will see such a body of presumptive proof and positive proof as never was given yet of any secret, corrupt, act of bribery: and there I leave it with your Lordships' justice. I beg pardon for having detained you so long, but your Lordships will be so good as to observe that no business ever was covered with more floods of iniquitous artifice than this which is now brought before you.

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CONTINUATION OF THE SPEECH OF THE RT.
HON. EDMUND BURKE, MANAGER FOR THE
HOUSE OF COMMONS, IN OPENING THE SIXTH
ARTICLE OF THE CHARGE, RELATING TO
PRESENTS ; 25 APRIL, 1789.

25 APR. 1789.

MY LORDS,—When I last had the honour of addressing your Lordships, I endeavoured to state to you, with as much perspicuity as the nature of an intricate affair would admit, and as largely as was consistent with the brevity which, in so intricate an affair, I endeavoured to preserve, the proofs which had been adduced against Warren Hastings, upon an inquiry, instituted by an order of the court of Directors, into the corruption and peculation of persons in authority in India.

My Lords, I have endeavoured to show you by presumptions before that proof, drawn from the nature and circumstances of the acts themselves inferring guilt, that such actions and such conduct could be referable only to one cause—namely, corruption. I endeavoured to show you afterwards, my Lords, what the specific nature and extent of the corruption was, as far as it could be fully proved; and, lastly, the great, satisfactory, presumption which attended the inquiry with regard to Mr. Hastings, namely, that, contrary to law, contrary to his duty, contrary to what is owed by innocence to itself, Mr. Hastings resisted that inquiry, and employed all the power of his office to prevent the exercise of it, either in himself or in others. These presumptions and these proofs will be brought before your Lordships, distinctly and in parts, at the end of this opening.

The next point on which I have thought it necessary to proceed was relative to the presumptions which his subsequent conduct gave with regard to his guilt. Because, my Lords, an uniform tenor of conduct, such as must attend guilt, both in the act, at the time of the inquiry, and subsequent to it, will form such a body of satisfactory evidence as I believe the human mind is not made to resist.

My Lords, there is another reason why I choose to enter into the presumptions drawn from his conduct and the fact,

taking his conduct in two parts, if it may be so expressed, omission and commission—in order that your Lordships should more fully enter into the consequences of this system of bribery. But, before I say anything upon that, I wish your Lordships to be apprised that the Commons, in bringing this bribe of three lacs and a half before your Lordships, do not wish by any means to have it understood that this is the whole of the bribe that was received by Mr. Hastings, in consequence of delivering up the whole management of the government of the country to that improper person whom he nominated for it. My Lords, there will be proof adduced before you that there is a great probability that he received very near a hundred thousand pounds. There is a proof of his receiving fifty : but we have chosen only to charge him with that upon which there is such an accumulated body of proof as to leave no doubt upon the minds of your Lordships. This I say, because we must be perfectly apprised of the temper of the public in that respect—that, when they hear of the enormity of Indian peculation—when they see the acts done and compare them with the bribes received—the acts seem so enormous and the bribes comparatively so small that they can hardly be got to attribute them to that motive. All I mean to state is this, that—from the collective view of the subject, your Lordships will be able to judge that some enormous offence has been committed, and that the proof we give is a specimen of the nature and extent of that enormous bribe, which extends to much greater sums than we are able to prove, in the manner your Lordships would like and expect, before you.

25 APR. 1789.

Extent of the bribe from Munny Begum not limited to three and a half lacs.

After this charge was brought and recorded before the Council, in spite of the resistance that Mr. Hastings made, employing all the power and authority of his station and the whole body of his partizans and associates in iniquity, dispersed through every part of these provinces—after he had taken all these steps, finding that he was pressed by the proof and pressed by the presumption of his resistance to it, he did think it necessary to make something like a defence ; and, accordingly, he has made what he calls a justification. Which defence did not consist in the denial of that fact or any explanation of it, but the mode he took for his defence was abuse upon his colleagues, abuse upon the witnesses, and every person who in the execution of his duty was inquiring into the fact, and charging them with things which, if true, were by no means sufficient to support him in

A defence of his conduct in opposing inquiry attempted by Mr. Hastings.

His abuse of his colleagues.

25 APR. 1759. his acts or in the criminal means he used in preventing inquiry into them, but to mislead their minds—to carry them from the accusation and the proof of it to the circumstance of the passion, violence and intemperate heat, with which he charged them. They were proceeding in an orderly, regular, manner; and, if on any occasion they seemed to break out into warmth, it was in consequence of that resistance he made to them in one of the most important parts of their functions, as I believe your Lordships will agree with them in thinking it was. If they had been intemperate in their conduct, if they had been violent, passionate, prejudiced against him, it would have afforded him only a better means of making his defence. Because, though, in a rational and judicious mind, the intemperate conduct of the accuser certainly makes nothing with regard to the truth or falsehood of his accusation, yet we do know that the minds of men are so constituted that an improper mode of conducting a right thing does form some degree of prejudice against it. And, therefore, Mr. Hastings, having nothing to defend upon principle, has resorted as much as he possibly could to prejudice; and, at the same time that there is not one word of denial or the least attempt at a refutation of that charge, he has loaded the records with all manner of minutes, proceedings and letters, relative to everything but the subject. The great aim of his policy, both then, before, and ever since, was to divert the mind of the auditory, or the persons to whom he addressed himself, from the nature of his cause to some collateral circumstance relative to it—a policy he has always had recourse to. But that trick, the last resource of despairing guilt, I trust will now completely abandon him.

Declares he reserves his defence.

But Mr. Hastings began to be pretty sensible that this way of proceeding must have a very unpromising and untoward look. For which reason he declared that he reserved his defence, for fear of a legal prosecution, and that sometime he would give a large and liberal explanation to the court of Directors, to whom he was answerable for his conduct for his refusing to suffer the inquiry to go on—for his omitting to give them satisfaction at the time—for his omitting to take any one natural step that an innocent man would have taken upon such an occasion. Under that promise he has remained from that time to the time you see him at your bar; and he has neither denied, apologised for, exculpated or explained, his conduct in any one single instance.

The causes why he should have given the explanation grew stronger and stronger after the business had ended; for not only the charges exhibited against him were weighty, but the manner in which he was called upon to inquire into them was such as would undoubtedly tend to stir the mind of a man, to rouse him to some consideration of himself and the necessities of his defence. Because Mr. Hastings, while he accuses the intemperance of his adversaries, shows a degree of temperance in himself which always attends guilt in despair. For struggling guilt may be warm, but guilt that is desperate has nothing to do but to submit to the consequence of it,—to bear the infamy annexed to its situation, and to try to find some consolation in the effects of guilt with regard to private fortune, for the scandal it is exposed to in public reputation. He was goaded to make a defence by the words I shall read to your Lordships from Sir John Claverling:—

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Increasing
urgency of
reasons for
explaining
his conduct.

“ In the late proceedings of the Revenue Board it will appear that there is no species of peculation from which the honourable Governor General has thought it reasonable to abstain.” *

Minute of
Sir J. Claverling,
charging
him with
peculation.

He further says, in answer to Mr. Hastings,—

“ The malicious view with which this inuendo”—an inuendo of Mr. Hastings—“ is thrown out, is only worthy of a man who, having disgraced himself in the eyes of every man of honour both in Asia and in Europe, and having no imputation to lay to our charge, has dared to attempt in the dark what malice itself could not find grounds to aim at openly.”

These are the charges which were made upon him, not loosely in the heat of conversation, but deliberately in writing entered upon record, and sent to his employers the court of Directors—those whom the law had set over him, and to whose judgment and opinion he was responsible. Do your Lordships believe that it was conscious innocence that made him endure such reproaches, so recorded, from his own colleague? Was it conscious innocence that made him abandon his defence, renounce his explanation, and bear all this calumny—if it was calumny—in such a manner, without making any one attempt to refute it?

Your Lordships see, by this and by other minutes with which the books are filled, that Mr. Hastings is charged

Guilt inferred from
Mr. Hastings' pas-

* Extract of Minute of General Claverling, Colonel Monson and Mr Francis, 5th May, 1775.—Printed in the Eleventh Report from the Select Committee, Appendix K. a.

25 APR. 1789.

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 givenness
 under the
 charges.

High char-
 acter of Sir
 J. Clavering.

Conduct of
 Sir J. Cla-
 vering ap-
 proved by
 the Di-
 rectors.

quite to the brim with every mode of possible disgrace. For there is something so base and contemptible in the crimes of speculation and bribery, that, when they come to be urged homely and strongly to a man, as here they are urged, nothing but a consciousness of guilt can possibly make him bear up under them. Mr. Hastings considered himself, as he has stated, under the necessity of bearing them. What is that necessity? Guilt! To say that Sir John Clavering was a man—for I say nothing now of Colonel Monson and Mr. Francis, who were joined with him—weak and contemptible! I believe there are those among your Lordships who remember that Sir John Clavering was known before he went abroad, and better known by his conduct after, to be a man of the most distinguished honour that ever served his Majesty. He served his Majesty in a military situation for many years, and afterwards in that high civil situation. It is known, that, through every step and gradation of a high military service until he arrived at one of the highest of all, there never was the least blot, or doubt, or suspicion, of his character; that his temper, for the most part, and his manners were fully answerable to his virtues and a noble ornament to them; that he was one of the best natured, best bred men, as well as one of the highest principled men, to be found in his Majesty's service; that he had passed almost the middle time of life, and come to an age which makes men wise in general—that they should be warned by nothing but that noble indignation at guilt, which is the last thing that ever was or will be extinguished in a virtuous mind. He was a man whose voice was not to be despised. But if his character had been personally as contemptible as it was meritorious and honourable in every respect, yet his situation as a commissioner, named by an Act of Parliament for the express purpose of reforming India, gave him a weight and consequence that could not suffer Mr. Hastings, without a general and strong presumption of his guilt, to acquiesce in such recorded minutes from him. But if he had been all this; if he had been that weak—if he had been that intemperate—man, who in reality was as cool, steady, temperate, judicious, a man as ever was born—supposing he had been so, the court of Directors, to whom Mr. Hastings was responsible by every tie and every principle, and was made responsible at last by a positive Act of Parliament obliging him to yield obedience to their commands, as the general rule of his duty—the court of Directors perfectly

approved every part of General Clavering's, Colonel Monson's ^{25 APR. 1789.} and Mr. Francis' conduct. They approved this inquiry which Mr. Hastings rejected, and they have declared,—

“ That the power and instructions vested in and given to General Clavering and the other gentlemen were such as fully authorized them in every inquiry that seems to have been their object Europeans.”*

Now, after the supreme authority to which they were to appeal in all their disputes had passed this judgment upon this very inquiry, it no longer depended upon Mr. Hastings; nor could he be longer justified in attributing that to evil motives, either of malice or passion, in his colleagues. When the judges who were finally to determine who was malicious—who was passionate—who was or was not justified, either in setting on foot the inquiry or resisting it—when they had passed that judgment, then Mr. Hastings was called upon by all the feelings of a man—in Council, called upon by his duty—to give satisfaction to his masters, the Directors, who approved of the zeal and diligence of that inquiry, the passion of which he only reprobated, and upon which he grounded his justification.

If any thing but conscious guilt could possibly influence him to such more than patience under this accusation, it was that, when General Clavering, fatigued by the miseries of his situation, and having lost a very able and affectionate colleague, Colonel Monson, whom Mr. Hastings states to be one of the bitterest of his accusers—a man, one of the most loved and honoured of his time—a person of your Lordships' noble blood, and a person who did honour to it—and, if he had been of the family of a commoner, well deserving to be raised to your distinction; when that man died—died of a broken heart, to say nothing else—when General Clavering, feeling himself in a manner without help, except what he derived from the firmness, assiduity and patience, of Mr. Francis, sinking like himself under the exertion of his own virtues, was resolved to resign his employment—the court of Directors was so alarmed at this attempt of his to resign his employment that they wrote thus :—

Opposition
of the Di-
rectors to Sir
J. Claver-
ing's offer to
resign.

“ When you conceived the design of quitting our service we imagine you could not have heard of the resignation of Mr. Hastings your zeal and ability.”

* This and the following papers referred to have not been found in the Minutes of the Evidence, nor in the Reports of the Committees on the affairs of India.

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Death of
Sir J. Claver-
ing.His char-
acter, as
given by
the Direc-
tors.

My Lords, in this struggle and before he could resign finally, another resignation—the resignation of nature—took place, and Sir John Clavering died.* Then Mr. Hastings came to full power. The character that was given to Sir John Clavering at that time is a seal to the whole of his proceedings, and the use that I shall make of it your Lordships will see presently.

“The abilities of General Clavering, the comprehensive knowledge he had attained of our affairs . . . to the East India Company.”

Wright of
accusation
of Mr. Hast-
ings.

And never had it a greater loss. There is the concluding funeral oration made by his masters, upon a strict though by no means partial view of his conduct. My Lords, here is the man who is the great accuser of Mr. Hastings, as he says. What is he? a light man? a man of mean situation? a man of mean talents? a man of mean character? No; of the highest character. Was he a person whose conduct was disapproved by their common superiors? No; approved when living and ratified when dead. This is the man whom Mr. Hastings abuses upon the supposed impropriety of his conduct. This was the man—a man equal to him in every respect—upon the supposed evil motives of whom was founded the sole justification of Mr. Hastings. But be it then that Sir John Clavering, Colonel Monson and Mr. Francis, were all of them the evil-minded persons that he describes them, and that, from dislike to them—from a kind of manly resentment, if you please, against such persons—a hatred against malicious proceedings and a defiance of them—for that period of time, and while oppressed by that combination he states, he did not think proper to make his defence. Then, upon every principle of prudence and dignity, afterwards, when he got rid of those two persons, and when Mr. Francis was nothing, when the whole majority was in his hand, and there was a large, open, full, field for inquiry, he was bound to reinstitute that inquiry, and to clear his character before his judges and before his masters. Mr. Hastings says “no; they have threatened me with a prosecution, and I reserve myself for a court of justice.”

Persistence
of Mr. Hast-
ings in re-
sisting in-
quiry when
in the ma-
jority in the
Council.

Now Mr. Hastings has taken a ground, as you will see from all his writings, which will make all explanation of his

* The death of Sir John Clavering took place in the month of August 1777.

conduct in this absolutely impossible. For, in the first place, he says—"if a prosecution is meditated against me, I say nothing in explanation of my conduct, because I might disclose my defence, and by that means do myself a prejudice." On the other hand, if the prosecution was dropped, which was the case here, that the prosecution did drop, as we all know it did, then he has a direct contrary reason, but that serves him just as well,—“why, as no prosecution is intended no defence need be made.” So that, whether a prosecution is intended or a prosecution dropped, there is always cause why Mr. Hastings should not give the court of Directors the least satisfaction concerning his conduct; though we shall prove that he has reiteratedly promised and promised it in the most ample and liberal manner. But let us see the kind of presumption he has made, in order to rebut the presumption which he knew was irresistible, and which, by making no defence for his conduct and stopping the inquiry, he knew must necessarily lie upon him. What is the reason why “I reserve my defence and explanation?”—for he promised both defence and explanation.

25 APR. 1789.
His reasons
for reserving
his defence.

Your Lordships will remark that there is nowhere a clear and positive denial of the fact. Promising a defence, I will admit, does not directly and *ex vi termini* suppose that a man may not deny the fact; because it is just compatible with the defence; but it does by no means exclude the admission of the fact, because the admission of the fact may be attended with a justification. But, when a man says that he will explain his conduct with regard to a fact, then he admits the fact; because there can be no explanation of a fact which has no existence. Therefore, Mr. Hastings admits the fact by promising an explanation, and he shows that he has no explanation nor justification to give by never having given it. Goaded, provoked, and called upon for it in the manner I have mentioned, he chooses to have a feast of disgrace, if I may say so—to have a riot of infamy—served up to him day by day for a course of years, in every species of reproach that could be given, by his colleagues and by the court of Directors;—from whom, he says, he received nothing but opprobrious and disgraceful epithets, and that his predecessors possessed more of their confidence than he had.* Yet for years he lay down upon that sty of disgrace,

Admission
of the fact
by promise
of defence.

His submission to infamy.

* See Mr. Hasting's letter to the Directors, dated 16th December, 1782.—Printed in the “Minutes of the Evidence,” p. 1116.

25 APR. 1789. fattening in it, lying feeding upon that offal of disgrace and excrement, and everything that could be opprobrious to the human mind, rather than deny the fact and put himself upon a civil justification. Infamy was never incurred for nothing. We know very well what was said formerly—

“ ——— Populus me sibilat : at mihi plaudo
Ipse domi, simul ac nummos contemplor in arca.”

And never did a man submit to infamy for anything but its true reward—money. Money he received—the infamy he received along with it. He was glad to take his wife with all her goods. He took her with her full portion—every infamy that belonged to her. And your Lordships cannot resist the opinion that he would not have suffered himself to be disgraced with the court of Directors—disgraced with his colleagues—disgraced with the world—disgraced upon an eternal record—without he was absolutely guilty of the fact that was charged upon him.

His obligation as a servant of the Company to account to them for his conduct.

He frequently expresses that he reserves himself for a court of justice. Does he, my Lords? I am sorry that Mr. Hastings should show that he always mistakes his situation. He has totally mistaken it. He was a servant, bound to give a satisfactory account of his conduct to his masters; and, instead of that, he always considers himself and the court of Directors as litigant parties—they as the accusers and himself as the culprit. What would any of your Lordships, in common life, conceive, if you had a steward, and you accused him of embezzling the rents, robbing and oppressing the tenants, and committing a thousand misdeeds in his stewardship, and you desired an inquiry into his conduct and asked an explanation, and his answer should be—“ I will give no reply. You may prosecute me, convict me as a cheat: and therefore I will not give you any satisfaction?” What should you think of that steward? You could have no doubt, in private life, that that steward was a person not fit to be a steward, nor fit to live.

His reserving his defence for a court of justice a proof of his guilt.

Mr. Hastings, therefore, reserves himself for a court of justice. That single circumstance, my Lords, proves that he was guilty. It appears very odd that his guilt should be inferred from his desire of trial in a court in which he could be acquitted or condemned. I shall prove to you from that circumstance that Mr. Hastings, desiring to be tried in a court of justice, convicts himself of presumptive guilt.

When Mr. Hastings went to Bengal, in the year 1772, he had a direction exactly similar to this which he resisted in

25 APR. 1784. vant, think what must be the case with the upper servant of all. For, if an inferior servant is not to be brought to justice, what must be the situation of a Governor General? It is impossible not to see that he had conceived that a court of justice had not sufficient means to bring his crimes to light and detection, nor sufficient modes to bring him to proper and adequate punishment; therefore he flew into a court of justice, not as a place to decide upon him, but as a sanctuary to secure his guilt.

Most of your Lordships have travelled abroad, and have seen in the uninformed countries of Europe churches filled with persons who take sanctuary in them. You do not presume that a man is innocent because he is in a sanctuary. You know that it, so far from demonstrating his innocence, demonstrates his guilt. And, in this case, Mr. Hastings flies, not to a court for trial, but to a sanctuary to secure him from it.

The prosecution not attempted in Bengal.

Let us hear how Mr. Hastings has proceeded with regard to this. The court of justice dropped; the whole affair ended. The prosecution in Bengal, with Sir Elijah Impey as Chief Justice—whom your Lordships have seen had a most close and honourable connection with the Governor General, all the circumstances of which I need not detail to you, for it must be fresh in your Lordships' memory—[was not very formidable]. He had not much to fear from the impartiality of such a court: he might be sure the forms of law would not be strained to do him mischief: therefore there was no great terror in it. But whatever terror was in it was overblown; because his colleagues refused to carry him to it; and, therefore, that defence is gone. Then, in Europe, he was afraid of it. It was soon over there, and he takes this as his ground of justification in the House of Commons for not giving that explanation—that the court of Directors had received perfect satisfaction of his innocence; and he named the characters of great and eminent persons in the profession, certainly, whose names cannot be mentioned without highly imposing upon the prejudices of mankind, weighing down almost the reason of mankind—he quotes their opinions in his favour and as a reason why the exculpation that they gave him, or were supposed to give him, should excuse him from any further explanation.*

Mr. Hastings' reliance on an opinion of Counsel, referred to by the Directors, against his prosecution.

* The subject of the proceedings of the Court of Directors in reference to the charge of peculation brought against Mr. Hastings by the majority of the Council of Bengal is considered by the Select Committee of the House of

2. APR. 1789. approve in the management of any cause whatever—yet, if there is a leaning, it is certainly a leaning for the client. Mr. Hastings resolved, if possible, to take care that such a case should be made as would naturally lead the Counsel to give an opinion against the prosecution. Yet the Counsel did not give a decided opinion against the prosecution; but, upon the very face of the case, they expressed great doubts upon it, though at the same time, with such a strange, disorderly, imperfect and confused, case as they considered it to be, they could not advise a prosecution; and, in my opinion, they went no further. And, upon the case that was laid before them, I, who am authorised by the Commons to prosecute, do admit that a great doubt might lie, in the most deciding mind, whether under the circumstances there stated a prosecution could be or ought to be pursued. I do not say which way my mind would have turned upon the very imperfect state of that case; but I still allow enough for the very great ability of great minds and sound judgment upon that case, and I am not sure, if it was *res integra*, that I would not have rather hesitated myself, who am now here an accuser, what judgment to give.

Doubtful
character of
their opinion
against the
prosecution.

It does happen that there are very singular circumstances in this case, which your Lordships will advert to, and will consider whether they are proper and reasonable, and what weight they are to have with your Lordships' minds.

Bias of the
solicitor of
the Com-
pany in
Mr. Hast-
ings' favour.

The solicitor of the Company at that time was and is a very respectable man in the profession—Mr. Smith. He was at that time the Company's solicitor. He has since appeared in this cause as Mr. Hastings' solicitor. Now there is always something particular that a man, remaining in the same office, should be at once solicitor for the prosecution and for the prosecuted; as odd as if Mr. Hastings' solicitor and ours was the same person, concerned in this prosecution and trial before your Lordships. It is true that we cannot make out, nor do we attempt to make out, that he was at that time actually Mr. Hastings' solicitor. All that we shall attempt to make out is, that the case he produced was just such as a solicitor, anxious for the preservation of his client and not anxious for the prosecution, would have made out.*

* Mr. Smith's report is printed in the Appendix, No. 111 A., to the Ninth Report of the Select Committee on Indian Affairs, presented in the year 1783. His statement of the case respecting the lac and a half of rupees alleged to have been received by Mr. Hastings, with the opinions of Counsel, is printed at the end of his report.

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The evidence on one part of the charge applied to the other part.

In this state of the case everything is put out of its true place. Mr. Hastings was not charged with receiving a lac and a half of rupees from Munny Begum, the guardian of the Nawab ; for she was not his guardian. But he was charged with receiving a lac and a half of rupees for removing the Nawab's own mother, who was his natural guardian, and substituting this step-mother, who was a prostitute, in her place. Whereas, here it supposes he found her a guardian, and she had made him a present, which alters the whole nature of the case. It sets out, in that very recital of the case and recital of the charge, with what every one of your Lordships knows now not to be the truth of the fact nor the thing that in itself implies the criminality: he ought to have stated that in the beginning of the business. The suppressions in that recital are amazing. He states "an inquiry having been made by the Supreme Council of Bengal respecting the conduct of the members of the last administration." That inquiry was made in consequence of the charge, and not the charge brought forward, as they would have it believed, in consequence of the inquiry. There is no mention that that inquiry had been expressly ordered by the court of Directors ; but it is stated as though it was a voluntary inquiry ; and there is always something doubtful in voluntary inquiries with regard to the people concerned. And then he supposes that, upon that inquiry, this was the charge, which is not the charge at all. The crime, as I have stated, consisted of two distinct parts, but both inferring the same corruption—the first, two lacs of rupees taken expressly for the nomination of this woman to this place, and the other, one lac and a half of rupees, in effect for the same purpose, but under the name and colour of an entertainment.

The drawer of this case, finding that, in the one case, namely, the two lacs of rupees, the evidence was more weak, but that no justification could be set up ; finding in the other, the lac and a half of rupees, the proof strong and not to be resisted, but that some justification was to be found for it, sets aside the charge of the two lacs ; and the evidence belonging to it, which was considered as rather weak, is applied to the other charge of the lac and a half, the proof of which upon its own evidence was irresistible.

My speech I hope your Lordships consider as only pointing out to your attention particulars. Your Lordships will see it exemplified almost through the whole; and afterwards, when there is some evidence—for some evidence is brought that does not belong to the lac and a half—it is entirely passed by, the most material circumstances are weakened, the whole strength and force of them taken away. Every one knows how true it is of evidence *juncta juvant*. All that is broken and smashed to pieces, and nothing but disorder appears through the whole. For your Lordships will observe, that the proof that belongs to one thing is put as belonging to another, and then the other brought in a weak and imperfect manner in the rear of the first, and with every kind of observation, if any at all; which observations are to rebut and weaken it when an evidence is produced which appears inapplicable almost in all the parts, in many doubtful, confused and perplexed, and in some even contradictory—which it will be when the evidence to one thing is brought to apply and bear upon another. In consequence of that, they were in good hopes that should happen which in part did happen—that the Counsel, distracted and confused, and finding no satisfaction in the case, could not advise a prosecution.

But there is a more material and weighty thing still—that this case does in a great degree, and the report still more, while it produces some parts suppress the rest, and, turning from the case to the proceedings of the persons who are supposed to have the management of the inquiry, and leaning upon their character, they adduce and add as an appendix to this case Mr. Hastings' own invectives and charge against these people. At the very same time, they suppress and do not bring forward, either in the charge or upon the report, what the other party have said in their own justification; so that it appears to be a confused, puzzled, inapplicable, body of evidence made for one side of the case, for the most part. I say for the most part, for the rest did apply to the case, but was miserably applied to the case. The consequence of this management was, confounding a body of evidence, in a case capable of being made the clearest in the world, and which I hope we shall, from evidence, make it to your Lordships. From their own state of the case, they would have it inferred that the fault was not in their way of representing it, but in the infirmity, confusion and disorder, of the proofs themselves; which I trust we shall satisfy you

25 APR. 1789.
—
Introduction into the Report of Mr. Hastings' invectives against the parties opposed to him, and suppression of their vindication.

25 APR. 1789. is by no means the case. But I rest upon the proof of the partiality in this business and the imposition upon the Counsel, whether designed or not—that there is a bias given to it, by adding an appendix with Mr. Hastings' own remarks upon the case, and not giving the reasons of the other parties for their conduct. Now, if there was nothing else than this fallacious recital and afterwards this suppression, I believe any rational and sober man would see perfect, good and sufficient, ground for laying aside any authority derived from the opinions of persons of the first character: and I am sure no man living does more homage to their learning, impartiality and understanding, than I do.* First, because the state of the case has thrown the whole into confusion; [and secondly.] because the matter added as an appendix is giving the representation of the delinquent and refusing the representation of his prosecutors; and, therefore, it is observed very properly and very wisely by one of the great men before whom this evidence was laid—"The evidence, as it is here stated, is still more defective. If the appendix is adopted by the Directors, and meant to make a part of the case, that throws discredit upon all the information so collected." Certainly it does; for if you hear the delinquent party, who is to be prosecuted, and annex his own representation of the case and not that of those against him, he is master of the mind of the lawyers, and it must weigh upon the mind of mankind.

Reflections
on the Com-
pany's con-
duct of its
prosecu-
tions.

My Lords, I have here only attempted to point out the extreme inconsistencies and defects of this proceeding; and I wish your Lordships to consider what the proceedings of the India House are in their prosecutions—that it is in the power of some of their officers to make statements in the manner that I have described, then obtain the names of great lawyers, and, under their sanction, to carry a man through the world as acquitted.

These are the material circumstances which will be submitted to your Lordships' sober consideration in the course of this inquiry. I state them for these two reasons:—first, to rebut the reason which Mr. Hastings has assigned for not giving any satisfaction to the court of Directors, because they did not want it, having dropped a prosecution upon

* The Counsel to whom the case was referred were the Attorney General, afterwards Lord Thurlow, Sir Alexander Wedderburn, Solicitor General, afterwards Lord Loughborough, Mr. Serjeant Adair, afterwards Recorder of London, Mr. Denning, afterwards Lord Ashburton and Mr. Sayer.

great authorities and opinions; and next, to show your Lordships how a business, begun in bribery, is to be supported only by fraud, deceit and collusion,—and how receiving a bribe by a Governor General of Bengal tends to taint the whole service, from beginning to end, both at home and abroad. 25 APR. 1789.

It is true that, upon the case that was presented to them, those great lawyers did not advise a prosecution; and when you take the opinion of a lawyer upon a full representation of a case, he may think that a man ought not to be prosecuted, yet he may consider him to be the vilest man upon earth. We know men are acquitted in the great tribunals in which several Lords of this country preside, and who perhaps ought not to be brought there and prosecuted before them, and yet about whose general delinquency of character there could be no doubt. Here then there is a new and additional reason to justify the great lawyers whose names and authorities are produced, and by himself extended beyond the length of their opinions. Then, being no longer under the terror of the law, which he said restrained him, he was bound to give that satisfaction to his masters and the world which every man in honour is bound to give when a grave accusation is brought against him. That business of the law from this moment I wish to sleep, till the time it comes before you. I do suspect and have reason, sitting in committees in the House of Commons, to believe that there was then in the India House a body of iniquity, some where or other, which was capable of imposing upon the solicitor; the guilt of which could not be his, because that is of another nature, which I shall state hereafter, that your Lordships may be able to discover through whose means and whose fraud Mr. Hastings obtained these opinions. If the report were truly stated, the opinions of mankind undoubtedly must go with it. If all the great lawyers had been unanimous upon that occasion, then it became necessary for him to say:—"I cannot, according to my own opinion, be brought to give an account in a court of justice. I have got great lawyers to declare that, upon the case that is laid before them, they cannot advise a prosecution." Then is the time for a man to come forward and, when no longer in fear that his defence may be turned against him, then to produce his defence for the satisfaction of his masters and the vindication of his own character.

Obligation on Mr. Hastings, on withdrawal of the prosecution, to clear himself to the Directors.

25 APR. 1780.

Opinion of
Mr. Sayer
upon
Mr. Hastings' conduct.

But, notwithstanding the high honour that I have for some of those persons who gave that doubtful opinion—for I believe your Lordships will find it no better than a doubtful opinion, with a great censure upon the state of the case—yet there were some great lawyers, men of great authority in the kingdom, who gave a full and decided opinion that a prosecution ought to be instituted against him. But the court of Directors decided upon it: they overruled those opinions, and acted upon the opinions in favour of Mr. Hastings. Therefore, when he knew that the great men in the law were divided upon the propriety of a prosecution, he was bound to enter into a justification of his conduct. But there was one other great reason to do it, because one great lawyer, known to many of your Lordships—Mr. Sayer—a very honest, intelligent man, who long served the Company and well knew their affairs—had given an opinion concerning Mr. Hastings' conduct in stopping these prosecutions. There was an abstract question put to Mr. Sayer and other great lawyers, separated from many of the circumstances of this business, concerning a point which incidentally arose; which was, whether Mr. Hastings, as Governor General, had a power so to dissolve the Council that, if he declared it dissolved, they could not sit and do any legal and regular act. It was a great question with the lawyers at the time, and there was a difference of opinion on it. Mr. Sayer was one of those who were inclined to be of opinion that the Governor General had a power of dissolving the Council, and that the Council could not legally sit after such dissolution. But what was his remark?—and you must suppose his remark of more weight, because, upon an abstract question, he had given his opinion in favour of Mr. Hastings' judgment:—

“First, the meeting of the Council depends on the pleasure of the Governor, and I think the duration of it must do so too; but it was as great a crime to dissolve the Council upon base and sinister motives as it would be to assume the power of dissolving if he had it not. I believe he is the first Governor that ever dissolved a Council inquiring into his behaviour, when he was innocent. Before he could summon three Councils and dissolve them, he had time fully to consider what would be the result of such conduct—to convince every body beyond a doubt of his conscious guilt.”*

* “Opinions of Counsel as to the Dissolution of the Council of Bengal.” printed in Appendix M. to the Eleventh Report of the Select Committee appointed to take into consideration the state of the administration of justice in the provinces of Bengal, Bahar and Orissa, 1783.

Then Mr. Sayer, among other learned people—and, if he was not the man which I have described him, yet from his intimate connection with the Company he must be supposed to have a great weight—using expressions as strong as the persons who have ever criminated Mr. Hastings most, for the worst of his crimes, have ever used to qualify and describe them—that it was upon base and sinister motives—Mr. Hastings was bound upon that occasion to justify that strong conduct, allowed to be legal and charged at the same time to be violent. He was obliged to produce something in his justification. He never did. Therefore all the reasons assigned by himself, drawn from the circumstance of prosecution and non-prosecution, drawn from opinions of lawyers and colleagues, the court of Directors censuring his conduct and strongly applauding the conduct of those who were adverse to him—Mr. Hastings was, from these accumulated circumstances, bound to get rid of the infamy of the conduct which could be attributed to nothing but base and sinister motives, and which could have no effect but to convince persons of his consciousness that he was guilty. From these circumstances I infer that no man could have endured this load of infamy, and to this time have given no explanation of it, upon the reasons he gives, of reserving himself for a prosecution, and then making none because there was no prosecution—nothing could account for it, but that reason which this learned Counsel gives, which your Lordships and which the world will give, namely, his conscious guilt. After mentioning and leaving to your own minds that presumption, not as operating without proof but as operating along with the proof—for I take it there are some presumptions that go the full length of proof—I do not press that to the length to which I think it would go, but leave it to be auxiliary, assisting, and compurgatory of all the other parts that go along with it.

25 APR. 1789
Contains imputations of sinister motives.

Presumption of his guilt from silence under suspicion.

There is a circumstance which must come before your Lordships in this business. If you find that Mr. Hastings has received the two lacs of rupees, then you will find that he was guilty, without colour or pretext of any kind whatever, of acting in violation of his covenant, acting in violation of the laws and all the rules of honour and conscience. But if you find that he has taken the lac and a half, which he admits and which is justified under the

Attempted justification of the receipt of money as a present for entertainment.

27 A.D. 1788. pretence of an entertainment, I shall beg to say something to your Lordships concerning that justification.

Suppose the justification set up is that it was given as a custom of entertainment: that he went up from Calcutta and paid a visit of three months, and that there an allowance was made to him of 200*l.* a day, in lieu of an entertainment. Now, my Lords, I leave it to you, if there was such a custom, whether or no his covenant justifies his conformity with it. I remember Lord Coke, talking of the Brehon law in Ireland, says it is no law but a lewd custom. A governor is to conform himself to the laws of his country, to the stipulations of those that employ him, and not to the lewd customs of any country. Those customs are "more honoured in the breach than in the observance." If Mr. Hastings was really feasted and entertained with the magnificence of the country; if there was an entertainment of dancing girls brought out to amuse him in his leisure hours; if he was feasted with the hooka and every other luxury; there was something to be said for him, though I should not justify a Governor General wasting his days in that manner: but here was no entertainment which could

Abuse of the custom in the present instance.

amount to such a sum. In the first place, he has nowhere proved the existence of such a custom. But, if such a custom did exist, which I contend is "more honoured in the breach than in the observance," that custom is capable of being abused to the grossest extortion, and it will strike your Lordships' minds in such a manner, that I hardly need detail it. What! 200*l.* to be given to a man for his entertainment? If there is an end of it there it ruins nobody, and cannot be supposed to a great degree to corrupt anybody. But when that entertainment is renewed day after day for three months, it is no longer a compliment to the man, but a great pecuniary advantage: and, on the other hand, to the person giving it, a grievous and intolerable burden. It then becomes a matter of the most serious and dreadful extortion, tending to hinder the people who give it, not only from giving entertainment, but from having bread to eat themselves. Therefore, if it was such an entertainment, that entertainment was perverted by the use of it—by being continued for three months together. It is longer than Ahasuerus' feast. There is "a feast of reason and a flow of soul," but Mr. Hastings' feast was a feast of avarice and a flow of money. No wonder he was unwilling to rise from such a table. He continued to sit at

that table for three months. In his covenant he is forbidden expressly to take any allowance, not only gifts—bribes—he is forbidden to take any allowance above 400*l.*, and forbidden to take any allowance above 100*l.* without the knowledge, consent and approbation, of the Council to which he belongs. Now he takes 16,000*l.*, not only without the consent of the Council, but without their knowledge, without the knowledge of any human being. It is kept hid in the darkest and most secret recesses of his own black agents and confidants and those of Munny Begum. Why is it a secret? Hospitality, generosity, virtues of that kind, are full of display. There is an ostentation, a pomp, in them; they want to be shown to the world, not concealed. The concealment of acts of charity is the thing that makes them acceptable in the eyes of Him with regard to whom there can be no concealment; but acts of corruption are kept secret, not to keep them secret from that eye which the person who observes the secrecy does not fear nor believe, perhaps, but to keep them secret from the eyes of mankind, whose opinions he does fear, in the immediate effect of them and in their future consequences. Therefore he had but one reason to keep this so dark and profound a secret, till it was dragged into day in spite of him. He had no reason to keep it a secret, but knowing it was a proceeding that could not bear the light. Charity is the only virtue I ever heard of that derives from its retirement any part of its lustre; the others require to be spread abroad in the face of day, that such candles should not be hid under a bushel, but, like the illumination which men light when they mean to express great joy and great magnificence for a great event, the very splendour of them is a part of their excellence. We, upon our feasts, light up this whole capital city; we, in our feasts, invite all the world to partake them. Mr. Hastings feasts in the dark: Mr. Hastings feasts alone: Mr. Hastings feasts like a wild beast. He growls in the corner over the dying and the dead, like the tigers of that country who drag their prey into the jungles. Nobody knows of it till he is brought into judgment for the firstlings of the flock he has destroyed. This is the entertainment of Tantalus; it is an entertainment that the sun turns black at.

25 APR. 1789.
Prohibition
of receipt of
presents by
the Com-
pany's cove-
nants.

Conceal-
ment of the
present.

When I tell your Lordships that it was the custom of Mr. Hastings not entitled to entertainment upon a visit, was Mr. Hastings upon a visit? No: he was executing a commission for the Company in a
entertainment as being upon a visit.

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Misstatement as to the one and a half lacs of rupees received from Munny Begum.

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In this state of the case everything is put out of its true place. Mr. Hastings was not charged with receiving a lac and a half of rupees from Munny Begum, the guardian of the Nawab ; for she was not his guardian. But he was charged with receiving a lac and a half of rupees for removing the Nawab's own mother, who was his natural guardian, and substituting this step-mother, who was a prostitute, in her place. Whereas, here it supposes he found her a guardian, and she had made him a present, which alters the whole nature of the case. It sets out, in that very recital of the case and recital of the charge, with what every one of your Lordships knows now not to be the truth of the fact nor the thing that in itself implies the criminality: he ought to have stated that in the beginning of the business. The suppressions in that recital are amazing. He states "an inquiry having been made by the Supreme Council of Bengal respecting the conduct of the members of the last administration." That inquiry was made in consequence of the charge, and not the charge brought forward, as they would have it believed, in consequence of the inquiry. There is no mention that that inquiry had been expressly ordered by the court of Directors ; but it is stated as though it was a voluntary inquiry ; and there is always something doubtful in voluntary inquiries with regard to the people concerned. And then he supposes that, upon that inquiry, this was the charge, which is not the charge at all. The crime, as I have stated, consisted of two distinct parts, but both inferring the same corruption—the first, two lacs of rupees taken expressly for the nomination of this woman to this place, and the other, one lac and a half of rupees, in effect for the same purpose, but under the name and colour of an entertainment.

The evidence on one part of the charge applied to the other part.

The drawer of this case, finding that, in the one case, namely, the two lacs of rupees, the evidence was more weak, but that no justification could be set up ; finding in the other, the lac and a half of rupees, the proof strong and not to be resisted, but that some justification was to be found for it, sets aside the charge of the two lacs ; and the evidence belonging to it, which was considered as rather weak, is applied to the other charge of the lac and a half, the proof of which upon its own evidence was irresistible.

charges for three months, which amounts to 12,000*l.* a year— 25 Apr. 1789.
 a large and an abundant sum. But, if you once admit that
 a man for an entertainment shall take 16,000*l.*, there never
 will be any bribe, any corruption, that is not to be justified.
 The corrupt man has nothing to do but to make a visit, and
 then, that very moment, he may receive any sum under the
 name of this entertainment: that moment his covenants are
 annulled, his bonds and obligations destroyed, the Act of
 Parliament repealed, and it is no longer bribery, it is no
 longer corruption, it is no longer speculation, it is nothing
 but thanks for obliging inquiries and a compliment, accord-
 ing to the mode of the country, by which he makes his
 fortune.

What hinders him from renewing that visit? If you sup-
 port this distinction, you will teach the Governor General, Danger of
 encouraging
 presents for
 entertain-
 ment.
 instead of attending his business at the capital, to make
 journeys through the country, putting every great man of
 that country under the most ruinous contributions: and, as
 this is not a custom confined by any manner of means to the
 Governor General, but extended, as it must be upon that
 principle, to every servant of the Company, in any station
 whatever, then, each of them receiving an entertainment, I
 will venture to say that the greatest ravage of a hostile
 army could not destroy the country more than the Company's
 servants, under the name of an entertainment.

Your Lordships will see that there is another entertain-
 ment, at the expense of another lac of rupees, not supported
 with the same evidence, but with a great probability of evi-
 dence; and the great probability is that he received two
 lacs of rupees, and Mr. Middleton another lac. I say, the
 whole of the Nawab's revenues would have been exhausted
 by these two men, if they had staid there a whole year, and
 they staid three months. If this is the case under these names
 under every pretence that may be got from a corrupt custom
 of the country, there will be nothing left in the pockets [of
 the people], and nothing secured from the Company's ser-
 vants, so long as they can find a vicious excuse for any corrupt
 practice. The excuse is worse than the thing itself. I leave
 it there with your judgment, to know whether you will or not
 —if this justification comes before you—establish a principle
 which would put all Bengal in a worse situation than a
 hostile army could do, and ruin all the Company's servants,
 by sending them from their duty to go round robbing the
 whole country under the name of an entertainment.

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These are the material circumstances which will be submitted to your Lordships' sober consideration in the course of this inquiry. I state them for these two reasons:—first, to rebut the reason which Mr. Hastings has assigned for not giving any satisfaction to the court of Directors, because they did not want it, having dropped a prosecution upon

* The Counsel to whom the case was referred were the Attorney General, afterwards Lord Thurlow, Sir Alexander Wedderburn, Solicitor General, afterwards Lord Loughborough, Mr. Serjeant Adair, afterwards Recorder of London, Mr. Dunning afterwards Lord Ashburton, and Mr. Gayer.

Mr. Hastings had left her quiet, in tranquil obscurity, and that he had no longer attempted to elevate her into a situation which furnished so much disgrace and obloquy to himself, and concerning which he stood charged with a direct and positive act of bribery. Your Lordships must well know that it was upon the deposition of that great magistrate, Mohammed Reza Khan, that this woman was appointed to supply his place. The Governor General and Council—the majority of them being then Sir John Clavering, Colonel Monson and Mr. Francis—were able only to make for some time a provisional arrangement, until they were authorised to fill up the place in a proper manner. Soon after, there came from Europe a letter, expressing the satisfaction that the court of Directors received in the acquittal of Mohammed Reza Khan; expressing a regard for his character, a high opinion of his abilities, and a great disposition to make him some reward for his extreme sufferings: and, accordingly, they ordered that he should be employed. They had no idea exactly of the state of employment, and they made a mistake in the specific employment they ordered him to be named for. He, being a Mohammedan and the head of the Mohammedans in that country, was named to an office which must be held by a Gentu. But the majority, who never endeavoured by any base and delusive means to fly from their duty, or not to execute it, because they were desired to execute it in a way in which they could not execute it, followed the spirit of the order, and having found that Mohammed Reza Khan, before his being tried and imprisoned in the way that he was, was in possession of that employment—that the Directors expressed a high opinion of him—they followed the spirit of the instruction of the Directors and replaced him in that employment: by which means there was an end to the government of Munny Begum; the country reverted to its natural state, and men of the first rank were put in the first situation in it: the seat of judicature was filled with wisdom, gravity and learning: and Munny Begum sank into that situation that a woman, who had been engaged in the practices she had, naturally would, at a time of life when attention does not confer so much honour.

Order of the Directors for the employment of Mohammed Reza Khan.

His restoration by the majority of the Council to his former office.

Mr. Hastings resisted this appointment; he trifled with the Company's orders. On account of the letter of them he disobeyed the spirit. He resisted the order of the court of

Opposition of Mr. Hastings to the appointment.

25 APR. 1789.

Opinion of
Mr. Sayer
upon
Mr. Hastings' conduct.

But, notwithstanding the high honour that I have for some of those persons who gave that doubtful opinion—for I believe your Lordships will find it no better than a doubtful opinion, with a great censure upon the state of the case—yet there were some great lawyers, men of great authority in the kingdom, who gave a full and decided opinion that a prosecution ought to be instituted against him. But the court of Directors decided upon it: they overruled those opinions, and acted upon the opinions in favour of Mr. Hastings. Therefore, when he knew that the great men in the law were divided upon the propriety of a prosecution, he was bound to enter into a justification of his conduct. But there was one other great reason to do it, because one great lawyer, known to many of your Lordships—Mr. Sayer—a very honest, intelligent man, who long served the Company and well knew their affairs—had given an opinion concerning Mr. Hastings' conduct in stopping these prosecutions. There was an abstract question put to Mr. Sayer and other great lawyers, separated from many of the circumstances of this business, concerning a point which incidentally arose; which was, whether Mr. Hastings, as Governor General, had a power so to dissolve the Council that, if he declared it dissolved, they could not sit and do any legal and regular act. It was a great question with the lawyers at the time, and there was a difference of opinion on it. Mr. Sayer was one of those who were inclined to be of opinion that the Governor General had a power of dissolving the Council, and that the Council could not legally sit after such dissolution. But what was his remark?—and you must suppose his remark of more weight, because, upon an abstract question, he had given his opinion in favour of Mr. Hastings' judgment:—

“First, the meeting of the Council depends on the pleasure of the Governor, and I think the duration of it must do so too; but it was as great a crime to dissolve the Council upon base and sinister motives as it would be to assume the power of dissolving if he had it not. I believe he is the first Governor that ever dissolved a Council inquiring into his behaviour, when he was innocent. Before he could summon three Councils and dissolve them, he had time fully to consider what would be the result of such conduct—to convince every body beyond a doubt of his conscious guilt.”*

* “Opinions of Counsel as to the Dissolution of the Council of Bengal:” printed in Appendix M. to the Eleventh Report of the Select Committee appointed to take into consideration the state of the administration of justice in the provinces of Bengal, Bahar and Orissa, 1783.

been done out of the salary of a Lord Chancellor or a Lord Chief Justice—out of these two lacs and a half of rupees, that is, about 24,000*l.* or 25,000*l.* a year, he ordered an allowance to be made to Munny Begum of 72,000 rupees *per annum*, or 7,200*l.* a year; for the Nawab's own mother, whom he thrust as usual into a subordinate situation, he made an allowance of 3,000*l.*; to the Sadr-al-Hak Khan, which is, translated into English, the Lord Chief Justice, he allowed the same that he did to the dancing girl—which was very liberal in him, I am rather astonished to find it: he allowed him 7,200*l.* a year.

And who do you think was the next officer he appointed? It was the Raja Goordass, the son of Nundcomar, whose testimony upon this occasion he has attempted, both before and since, to weaken; yet he made that compensation to the manes of the father by putting the son into this employment, with about 6,000*l.* a year. And in this manner he distributes, with a wild and liberal profusion, between magistrates and dancing girls, the whole spoil of Mohammed Reza Khan, notwithstanding the Company's direct and positive assurance to him.

Appoint-
ment of Raja
Goordass,
son of Nund-
comar, to
office.

Then you find the whole in the hands of this dancing girl, as it was before, for the same purpose of putting the miserable Nawab's whole family into her hands. And, that the fund might be large enough, he did not take the money for this dancing girl out of the Nawab's revenue, of which he and the dancing girl had the private disposal between them, but the salary to the office of naib subahdar was paid by the Company. There was some little addition to it, but that is of no consequence.

The Nawab's
family
placed under
the control
of Munny
Begum.

Now upon what pretence did he do all this? It was represented by the Nawab to Mr. Hastings that he was now of age; that he was an independent sovereign prince; that, being independent and sovereign in his situation, and being of full age, he had a right to manage his own concerns himself, and therefore he desired to be admitted to that management. Why, my Lords, ostensibly, and supposing that he was this independent prince, and that the Company had no authority over him or had never exercised any authority over him through Mr. Hastings, there might be a good deal said for it. But what was the real state of the case? The Nawab was a puppet in the hands of Mr. Hastings and Munny Begum, and he was obliged, upon producing the

The Nawab
desirous to
manage his
own affairs.

The Nawab
a puppet in
Mr. Hast-
ings' hands.

25 APR. 1789. pretence of an entertainment, I shall beg to say something to your Lordships concerning that justification.

Suppose the justification set up is that it was given as a custom of entertainment; that he went up from Calcutta and paid a visit of three months, and that there an allowance was made to him of 200*l.* a day, in lieu of an entertainment. Now, my Lords, I leave it to you, if there was such a custom, whether or no his covenant justifies his conformity with it. I remember Lord Coke, talking of the Brehon law in Ireland, says it is no law but a lewd custom. A governor is to conform himself to the laws of his country, to the stipulations of those that employ him, and not to the lewd customs of any country. Those customs are "more honoured in the breach than in the observance." If Mr. Hastings was really feasted and entertained with the magnificence of the country; if there was an entertainment of dancing girls brought out to amuse him in his leisure hours; if he was feasted with the hooka and every other luxury; there was something to be said for him, though I should not justify a Governor General wasting his days in that manner: but here was no entertainment which could amount to such a sum. In the first place, he has nowhere proved the existence of such a custom. But, if such a custom did exist, which I contend is "more honoured in the breach than in the observance," that custom is capable of being abused to the grossest extortion, and it will strike your Lordships' minds in such a manner, that I hardly need detail it. What! 200*l.* to be given to a man for his entertainment? If there is an end of it there it ruins nobody, and cannot be supposed to a great degree to corrupt anybody. But when that entertainment is renewed day after day for three months, it is no longer a compliment to the man, but a great pecuniary advantage; and, on the other hand, to the person giving it, a grievous and intolerable burden. It then becomes a matter of the most serious and dreadful extortion, tending to hinder the people who give it, not only from giving entertainment, but from having bread to eat themselves. Therefore, if it was such an entertainment, that entertainment was perverted by the use of it—by being continued for three months together. It is longer than Alasuerus' feast. There is "a feast of reason and a flow of soul," but Mr. Hastings' feast was a feast of avarice and a flow of money. No wonder he was unwilling to rise from such a table. He continued to sit at

Abuse of the custom in the present instance.

that table for three months. In his covenant he is forbidden expressly to take any allowance, not only gifts—bribes—he is forbidden to take any allowance above 400*l.*, and forbidden to take any allowance above 100*l.* without the knowledge, consent and approbation, of the Council to which he belongs. Now he takes 16,000*l.*, not only without the consent of the Council, but without their knowledge, without the knowledge of any human being. It is kept hid in the darkest and most secret recesses of his own black agents and confidants and those of Munny Begum. Why is it a secret? Hospitality, generosity, virtues of that kind, are full of display. There is an ostentation, a pomp, in them; they want to be shown to the world, not concealed. The concealment of acts of charity is the thing that makes them acceptable in the eyes of Him with regard to whom there can be no concealment; but acts of corruption are kept secret, not to keep them secret from that eye which the person who observes the secrecy does not fear nor believe, perhaps, but to keep them secret from the eyes of mankind, whose opinions he does fear, in the immediate effect of them and in their future consequences. Therefore he had but one reason to keep this so dark and profound a secret, till it was dragged into day in spite of him. He had no reason to keep it a secret, but knowing it was a proceeding that could not bear the light. Charity is the only virtue I ever heard of that derives from its retirement any part of its lustre; the others require to be spread abroad in the face of day, that such candles should not be hid under a bushel, but, like the illumination which men light when they mean to express great joy and great magnificence for a great event, the very splendour of them is a part of their excellence. We, upon our feasts, light up this whole capital city; we, in our feasts, invite all the world to partake them. Mr. Hastings feasts in the dark: Mr. Hastings feasts alone: Mr. Hastings feasts like a wild beast. He growls in the corner over the dying and the dead, like the tigers of that country who drag their prey into the jungles. Nobody knows of it till he is brought into judgment for the firstlings of the flock he has destroyed. This is the entertainment of Tantalus; it is an entertainment that the sun turns black at.

25 APR. 1789.
Prohibition
of receipt of
presents by
the Com-
pany's cove-
nants.

Conceal-
ment of the
present.

When I tell your Lordships that it was the custom of Mr. Hastings not entitled to entertainment as being upon a visit.
entertainment upon a visit, was Mr. Hastings upon a visit?
No: he was executing a commission for the Company in a

27 APR. 1789. village in the neighbourhood of Moorshadabad, and by no means upon a visit to the Nawab. On the contrary, he was upon something that might be more properly called a *visitation*. He came as a heavy calamity, like a famine or pestilence in a country. He came there to do the severest act in the world; as he himself expresses it, to take the bread—literally the bread—from above a thousand of the nobles of the country, and reduce them to a situation which no man can hear of without shuddering. When you combine these circumstances, that, while he was entertaining himself he was famishing fourteen hundred of the nobility and gentry of the country, you will not conceive that to be any extenuation of his crimes—that he was there, not upon a visit, but upon a duty, the harshest that could be executed, both to the persons who executed and the people who suffered it.

Answer to the plea that the present covered charges which he might have thrown on the Company.

3,000*l.* charged for travelling expenses.

But it is mentioned and supposed by the observations upon this case, though the circumstances of the persons, or the nature of the visit, are not stated, that it was something which he might have charged to the Company, and did not. First, it was supposed by that learned Counsel very justly that it was a public, allowed and acknowledged, thing; then, that he had not charged the Company anything for it. I have looked into that business. In the first place, I see no such custom. And, if there was such a custom, here was the most abusive misemployment of it that ever was known. I find, that, in that year, there was paid from the cash to the Governor's travelling charges—and he had no other journey at that end of the year—30,000 rupees, which is about 3,000*l.*; and, if we consider that he was in the receipt of near 30,000*l.*, besides the nazrs, which amount to several thousands a year, when he is allowed 3,000*l.* by the Company for his travelling expenses, is it right to charge upon the miserable people, whom he was defrauding of their bread, 16,000*l.* for his entertainment? I find that, besides, there are other great sums relative to the expenses of the committee of circuit he was with: how much more of them are applicable to him I know not. I say that the allowance of 3,000*l.* was noble and liberal; for it was not above a day or two's journey to Moorshadabad, and by his taking his road by Kishnagur [he could not be longer]. He had a salary, upon which he must live somewhere. He was actually paid 3,000*l.* for travelling

charges for three months, which amounts to 12,000*l.* a year— 25 APR. 1780.
 a large and an abundant sum. But, if you once admit that a man for an entertainment shall take 16,000*l.*, there never will be any bribe, any corruption, that is not to be justified. The corrupt man has nothing to do but to make a visit, and then, that very moment, he may receive any sum under the name of this entertainment: that moment his covenants are annulled, his bonds and obligations destroyed, the Act of Parliament repealed, and it is no longer bribery, it is no longer corruption, it is no longer peculation, it is nothing but thanks for obliging inquiries and a compliment, according to the mode of the country, by which he makes his fortune.

What hinders him from renewing that visit? If you support this distinction, you will teach the Governor General, instead of attending his business at the capital, to make journeys through the country, putting every great man of that country under the most ruinous contributions: and, as this is not a custom confined by any manner of means to the Governor General, but extended, as it must be upon that principle, to every servant of the Company, in any station whatever, then, each of them receiving an entertainment, I will venture to say that the greatest ravage of a hostile army could not destroy the country more than the Company's servants, under the name of an entertainment.

Danger of
encouraging
presents for
entertainment.

Your Lordships will see that there is another entertainment, at the expense of another lac of rupees, not supported with the same evidence, but with a great probability of evidence; and the great probability is that he received two lacs of rupees, and Mr. Middleton another lac. I say, the whole of the Nawab's revenues would have been exhausted by these two men, if they had staid there a whole year, and they staid three months. If this is the case under these names under every pretence that may be got from a corrupt custom of the country, there will be nothing left in the pockets [of the people], and nothing secured from the Company's servants, so long as they can find a vicious excuse for any corrupt practice. The excuse is worse than the thing itself. I leave it there with your judgment, to know whether you will or not—if this justification comes before you—establish a principle which would put all Bengal in a worse situation than a hostile army could do, and ruin all the Company's servants, by sending them from their duty to go round robbing the whole country under the name of an entertainment.

25 APR. 1789.

Recapitulation.

My Lords, I have done with this first part, namely, the presumption arising from his referring to a court of justice, and [not] giving satisfaction to his employers; and, when that pretence was removed, still refusing that satisfaction, suffering under the load of infamy and obloquy of the grossest kind, urged as he was to give that satisfaction by persons of the greatest character. I state that to your Lordships as the strongest presumption of guilt. Then the very excuse he has fabricated for a part of his bribes, when he knew that the proof of them was irresistible, I state that it is a high aggravation—that it does not stand with law—that it does not stand with reason—that it does not stand with his covenant. It carries with it manifest proof of corruption, and impossibility of being justified by any principle, custom or usage, whatever. My Lords, I have done with the presumption after the fact, arising from his own conduct, and with regard to that specific charge made upon him, and with respect to the relation he stood in to the court of Directors. I have then taken notice of the pretence he set up to justify it. I believe your Lordships will think both one and the other strong presumptions of the crime, and of his knowledge that the act he was doing was criminal.

Further grounds for presumption of criminality.

I have another fact to lay before your Lordships, which affords a strong presumption and which will show the mischievous consequences of all this; and your Lordships will not blame me for going a little into it. Your Lordships know that the charge made was, that the appointment of such a woman as Munny Begum to the guardianship of the Nawab, to the superintendency of the civil justice of the country, and the representation of the whole government—that appointment could be made for no other purpose than, through that corrupt woman, of putting the whole government of the country and giving the whole tattered remains of the Nawab's grandeur—the 160,000*l.* a year—to be a prey to Mr. Hastings; it could be no other. But then your Lordships would imagine that after this, knowing he was grievously suspected of that, he would have abstained from giving ground any more for suspicion. But a repetition of the same acts, through the same person, could furnish no other reason than that, as he did the same acts by the same person, directly contrary to the order of his superiors, he must have been actuated by the influence of bribery. Your Lordships would imagine that, when this Munny Begum was removed from the charge of corruption

Mr. Hastings had left her quiet, in tranquil obscurity, and that he had no longer attempted to elevate her into a situation which furnished so much disgrace and obloquy to himself, and concerning which he stood charged with a direct and positive act of bribery. Your Lordships must well know that it was upon the deposition of that great magistrate, Mohammed Reza Khan, that this woman was appointed to supply his place. The Governor General and Council—the majority of them being then Sir John Clavering, Colonel Monson and Mr. Francis—were able only to make for some time a provisional arrangement, until they were authorised to fill up the place in a proper manner. Soon after, there came from Europe a letter, expressing the satisfaction that the court of Directors received in the acquittal of Mohammed Reza Khan; expressing a regard for his character, a high opinion of his abilities, and a great disposition to make him some reward for his extreme sufferings: and, accordingly, they ordered that he should be employed. They had no idea exactly of the state of employment, and they made a mistake in the specific employment they ordered him to be named for. He, being a Mohammedan and the head of the Mohammedans in that country, was named to an office which must be held by a Gentu. But the majority, who never endeavoured by any base and delusive means to fly from their duty, or not to execute it, because they were desired to execute it in a way in which they could not execute it, followed the spirit of the order, and having found that Mohammed Reza Khan, before his being tried and imprisoned in the way that he was, was in possession of that employment—that the Directors expressed a high opinion of him—they followed the spirit of the instruction of the Directors and replaced him in that employment: by which means there was an end to the government of Munny Begum; the country reverted to its natural state, and men of the first rank were put in the first situation in it: the seat of judicature was filled with wisdom, gravity and learning: and Munny Begum sank into that situation that a woman, who had been engaged in the practices she had, naturally would, at a time of life when attention does not confer so much honour.

Mr. Hastings resisted this appointment; he trifled with the Company's orders. On account of the letter of them he disobeyed the spirit. He resisted the order of the court of

25 APR. 1780.

Order of the Directors for the employment of Mohammed Reza Khan.

His restoration by the majority of the Council to his former office.

Opposition of Mr. Hastings to the appointment.

25 APR. 1789. Directors. However the majority overbore him. They put Mohammed Reza Khan into that situation, and gave a seal and proof to the honour and virtue of their character, as there was not a breath of suspicion that they could have any corrupt motive for it. They were odious to many of the India House here. They were odious to that corrupt influence which had begun and was going on to ruin that country. They appointed Mohammed Reza Khan to that place, because the act contained in itself its own justification. But Mr. Hastings, who made a violent protest against it, resisted it to the best of his power, always in favour of Munny Begum, as your Lordships will see. Mr. Hastings sent his protest to the Directors. However the Directors, as soon as the case came before them, acknowledged their error and praised the majority of the Council, Sir John Clavering, Colonel Monson and Mr. Francis, for the wise and honourable part they had taken upon the occasion, for obeying the spirit and not the letter; commended the act they had done; confirmed Mohammed Reza Khan in his place, and, that that great man should be no longer the sport of fortune, no longer the play of avarice between corrupt Governors and dancing girls, they gave him the pledged faith of the Company that he should remain in that office as long as his conduct deserved their protection. It was a good and an honourable tenure.

Confirmation of it by the Directors.

Deposition of Mohammed Reza Khan by Mr. Hastings.

Distribution of his salary to Munny Begum and others.

My Lords, there happened two lamentable deaths—first, of Colonel Monson, then of General Clavering. Then Mr. Hastings got himself loose. There was an inspection and a watch upon his conduct, and no more. He was then just in the situation in which he had stood in 1772. What does he do? Even just what he did in 1772. He deposes Mohammed Reza Khan, notwithstanding the Company's orders, notwithstanding their pledged faith. He turns him out, and makes a distribution of two lacs and a half of rupees, the salary of that great magistrate, in the manner I will show your Lordships. He made an arrangement consisting of three main parts: the first was with regard to the women, the next with regard to the magistracy, the last with regard to the officers of state of the household.

The first person that occurred to Mr. Hastings was Munny Begum, and he gave her—not out of the Nawab's allowance, which was to support the seraglio, but out of the allowance of this very magistrate, as if such a thing had

been done out of the salary of a Lord Chancellor or a Lord Chief Justice—out of these two lacs and a half of rupees, that is, about 24,000*l.* or 25,000*l.* a year, he ordered an allowance to be made to Munny Begum of 72,000 rupees *per annum*, or 7,200*l.* a year; for the Nawab's own mother, whom he thrust as usual into a subordinate situation, he made an allowance of 3,000*l.*; to the Sadr-al-Hak Khan, which is, translated into English, the Lord Chief Justice, he allowed the same that he did to the dancing girl—which was very liberal in him, I am rather astonished to find it: he allowed him 7,200*l.* a year.

25 APR. 1780.

And who do you think was the next officer he appointed? It was the Raja Goordass, the son of Nundcomar, whose testimony upon this occasion he has attempted, both before and since, to weaken; yet he made that compensation to the manes of the father by putting the son into this employment, with about 6,000*l.* a year. And in this manner he distributes, with a wild and liberal profusion, between magistrates and dancing girls, the whole spoil of Mohammed Reza Khan, notwithstanding the Company's direct and positive assurance to him.

Appointment of Raja Goordass, son of Nundcomar, to office.

Then you find the whole in the hands of this dancing girl, as it was before, for the same purpose of putting the miserable Nawab's whole family into her hands. And, that the fund might be large enough, he did not take the money for this dancing girl out of the Nawab's revenue, of which he and the dancing girl had the private disposal between them, but the salary to the office of naib subahdar was paid by the Company. There was some little addition to it, but that is of no consequence.

The Nawab's family placed under the control of Munny Begum.

Now upon what pretence did he do all this? It was represented by the Nawab to Mr. Hastings that he was now of age; that he was an independent sovereign prince; that, being independent and sovereign in his situation, and being of full age, he had a right to manage his own concerns himself, and therefore he desired to be admitted to that management. Why, my Lords, ostensibly, and supposing that he was this independent prince, and that the Company had no authority over him or had never exercised any authority over him through Mr. Hastings, there might be a good deal said for it. But what was the real state of the case? The Nawab was a puppet in the hands of Mr. Hastings and Munny Begum, and he was obliged, upon producing the

The Nawab desirous to manage his own affairs.

The Nawab a puppet in Mr. Hastings' hands.

25 Apr. 1859. correspondence, to confess that she was the whole view and end of it.

Letter of the Nawab, praying to be placed under the guardianship of Munny Begum.

I think, [and] your Lordships will, so extraordinary a correspondence, wherein a son is made to petition in his own name for the elevation of a dancing girl, his step mother, above himself and everybody else, is such a curiosity as I believe is not to be found in the state correspondence of the whole world. The Nawab begins thus,—

“The excellency of that policy, by which her highness the Begum” —meaning Munny Begum—“may her shadow be far extended, formerly, during the time of her administration, transacted the affairs of the Nizamut in the very best and most advantageous manner, was, by means of the delusions of enemies disguised under the appearance of friends, hidden from me. Having lately seriously reflected on my own affairs, I am convinced that it was the effect of maternal affection, was highly proper and for my interest, and that, except the said Begum is again invested with the administration, the regulation and prosperity of this family, which is in fact her own, cannot be effected; for this cause, from the time of her suspension till now, I have passed my time, and do so still, in great trouble and uneasiness. As all affairs, and particularly the happiness and prosperity of this family, depend on your pleasure, I now trouble you, in hopes that you likewise concurring in this point will be so kind as to write in fit and proper terms to her highness the Begum, that she will always as formerly employ her authority in the administration of the Nizamut and the affairs of this family.”*

Second letter to the same effect.

This letter, my Lords, was received upon the 23d of August. By this letter your Lordships observe two things; that, some way or other, this Nawab had been, as the fact was, desirous of being released from this subjection; but now he has got new lights: all the mists are gone, and he now finds that she is the fittest person to govern not only him, but the whole country. This young man, who is stated, and never denied by Mr. Hastings and Lord Cornwallis, and all the rest of the world who know him, to be quite an insufficient man, begins to be charmed with the excellency of the policy of Munny Begum. But, though this letter was received upon the 25th of August, yet such is his violent impatience, his impossibility of existing an hour but under the government of Munny Begum—he had really the impatience of a lover—he writes again in five days; so impatient, anxious, jealous, is this young man to be put under the government

* Printed in the Appendix to the Fifth Report of the Select Committee appointed to take into consideration the state of the administration of justice in the provinces of Bengal, Bahar and Orissa, 1782, No. 6.

of an old dancing woman. He is afraid Mr. Hastings will 25 APR. 1789. imagine that some sinister influence prevailed upon him in so natural and proper a request. He says,—

“Knowing it for my interest and advantage that the administration of the affairs of the Nizamut should be restored to her highness the Munny Begum, I have already troubled you with my request that, regarding my situation with an eye of favour, you will approve of this measure. I am credibly informed that some one of my enemies, from selfish views, has, for the purpose of oversetting this measure, written to you that the said Begum procured from me by artifice the letter I wrote you on this subject: this causes me the greatest astonishment. Please to consider that artifice and delusion are confined to cheats and impostors, and can never proceed from a person of such exalted rank—who is the head and patron of all the family of the deceased Nabob my father; and that to be deluded, being a proof of weakness and folly, can have no relation to me—except, the inventor of this report considers me as void of understanding, and has represented me to the gentlemen as a blockhead and an idiot. God knows how harshly such expressions appear to me, but, as the truth or falsehood has not yet been fully ascertained, I have therefore suspended my demand of satisfaction. Should it be true be so kind as to inform me of it, that the person may be made to answer for it.”*

My Lords, a very proper demand here. The Nawab is astonished at the suspicion that such a woman as Munny Begum should be capable of deluding any body—whose trade in youth had been delusion. Astonishing it certainly was that a woman who had been a deluder in youth should be suspected to be the same in old age, and that he, a young man, should be subject to artifice. “They must suspect me to be a great blockhead if a man of my rank is to be deluded.” There he forgot that it is the unhappy privilege of great men to be cheated, to be deluded, much more than other persons. But he thought it so impossible in the case of Munny Begum that he says,—“produce me the traitor that could suppose it possible for me to be deluded, when I call for this woman as the governor of the country: I demand satisfaction.” I rather wonder that Mr. Hastings did not inform him who it was that had reported so gross and improbable a tale, and deliver him up to the fury of the Nawab.

Mr. Hastings is besieged by him; for he receives another Another letter of the Nawab. letter upon the 3rd of September. Here are four letters, following one another quick as post expresses with horns

25 APR. 1789. *summing before them.* “ Oh! I die, I perish, I sink, if Munny Begum is not put into the government of the country. I therefore desire to have her put into the government of the country.”

“ I am hopeful that you will not keep me longer in this painful suspense, but will be kindly pleased to write immediately to the Munny Begum that she take upon herself the administration of the affairs of the Nizamut, which is in fact her own family, without the interference of any other person whatever. By this you will give me complete satisfaction.”*

Here is a state correspondence more like an amorous correspondence than I believe ever was known in the world. What is this man so eager—what in such a rage about? What?—that he cannot endure the smallest delay of the post with common patience? Why, lest this old woman—who is not his mother and who had no tie of blood—should not be made mistress of himself and the whole country. Accordingly, in a very few months afterwards, he comes to be appointed by Mr. Hastings to the government himself, and you may easily judge by the preceding letter who was to govern. It would be an affront upon your Lordships’ judgment to attempt to prove who was to govern, after he had desired to put the whole government of affairs into the hands of Munny Begum. Now, Munny Begum having been vested with this authority, having obtained the salary, having been the total and entire governor of the country, as I prove by the Nawab’s letter, let us see the consequences of it: and then I desire to know whether your Lordships can believe that all this haste—which in fact is Mr. Hastings’ haste and impatience, for we shall prove that the Nawab never did or could take a step, but by his immediate orders and directions—whether your Lordships can believe that Mr. Hastings would suffer the odium of all this, unless he had some corrupt consideration.

My Lords, very soon after this appointment was made, consisting of Munny Begum at the head of the affairs, the Lord Chief Justice under her and under her direction, and Raja Goordass as steward of the household, the first thing we hear was just what your Lordships expect to hear upon such a case—that this unfortunate Chief Justice, who was

Munny Begum is vested with supreme authority.

Complaint by the chief justice of the Nawab being under evil influence.

* Printed as above, No. 6 (U.) and in the “Minutes of the Evidence,” p. 105.

a man undoubtedly of but poor, low, disposition, but I believe a perfectly honest, perfectly well intentioned, man, found it absolutely impossible for him to execute the government under the direction of Munny Begum; and, accordingly, in the month of September after the nomination, he sends a complaint to Mr. Hastings,—

“That certain bad men had gained an ascendancy over the Nawab’s temper, by whose instigation he acts.”

After complaining of the slights he received from the Nawab, he adds,—

“Thus they cause the Nabob to treat me sometimes with indignity, at others with kindness, just as they think proper to advise him. Their view is, that, by compelling me to displeasure at such unworthy treatment, they may force me either to relinquish my station or to join with them, and act by their advice, and appoint creatures of their recommendation to the different offices, from which they might draw profit to themselves.”*

Then he immediately follows that with another letter, to show who those corrupt men were that had gained the ascendancy over the Nawab’s temper—namely, the eunuchs of Munny Begum—one of them her direct instrument in the bribery with Mr. Hastings; and accordingly he did what you would expect from such a man. Everything in judgment was confounded; all the offices destroyed; and there was nothing but a scene of forgery, speculation and knavery, of every kind and description, prevailing through the country, and totally disturbing all order and justice in it.

The influence alluded to that of the eunuchs of Munny Begum

“The Begum Ministers before my arrival, with the advice of their Counsellors, caused the Nabob to sign a receipt; in consequence of which they received at two different times near 50,000 rupees, in the name of the adawlut, fouzdarry, &c., from the Company’s circar; and, having drawn up an account current in the manner they wished, they got the Nabob to sign it, and then sent it to me.”

In the same letter he asserts,—

“That these people have the Nabob entirely in their power.”†

My Lords, here he enables the corrupt eunuchs of this wicked old woman to draw upon the Company’s treasury at their pleasure, under forged papers of the Nawab, for just

* Extract from letter of the Sadr-al-Hak Khan, quoted in a Minute of Mr. Francis, 15th December, 1779.—Printed in the Fifth Report of the Select Committee, Appendix No. 6 (E.A.).

† Printed as above.

- 25 APR. 1789. such moneys as they please, under the name and pretence of giving it to the officers of justice, but which they distribute among themselves as they think fit. This was the effect in the interior part of the country. But that complaint was soon followed by another, the consequence of which will let you see two things, which are the strongest presumptive proofs of the corrupt motives of Mr. Hastings, and then the horrible mischievous effects upon the country. In consequence of this first complaint, Mr. Hastings sends to this independent Nawab that he should not dare to concern himself any longer with the faujdari. The Nawab, who had before declared that all the offices were his own, and to be executed by himself and under his orders, instantly obeys Mr. Hastings, and declares he will not interfere in the business of the courts any more. Your Lordships will observe further, that the complaint is not against him but against the creatures and the menial servants of Munny Begum ; and yet it is the Nawab he forbids to interfere in this business. Of the others he takes no notice ; but, when the whole country was fallen into confusion, under the administration of this woman and under her corrupt ministers—men base-born and employed in the basest offices—men of the household train of the women in that country are of that description—he writes to the Nawab again, and confesses himself the mischiefs that arose from his corrupt arrangements. This is a strong proof of the effect of Mr. Hastings' corrupt dealings with this woman.
- Order from Mr. Hastings to the Nawab, not to interfere with the faujdari.
- General corruption in the country under the administration of the Begum.
- Letter of Mr. Hastings, describing the state of the country.

" At your Excellency's request, I sent Sudder ul Hac Khan to take on him the administration of the affairs of the adawlut and fouzdarry, and hoped by that means, not only to have given satisfaction to your Excellency, but that, through his abilities and experience, these affairs would have been conducted in such manner as to have secured the peace of the country and the happiness of the people. And it is with the greatest concern I learn that this measure is so far from being attended with the expected advantages that the affairs both of the fouzdarry and adawlut are in the greatest confusion imaginable, and daily robberies and murders are perpetrated throughout the country. This is evidently owing to the want of a proper authority in the person appointed to superintend them. I therefore addressed your Excellency on the importance and delicacy of the affairs in question, and of the necessity of lodging full power in the hands of the person chosen to administer them : in reply to which your Excellency expressed sentiments coincident with mine. Notwithstanding which, your dependants, and people actuated by selfish and avaricious views, have by their interference so impeded the business as to throw the whole country into a state of confusion, from which nothing can retrieve it but an unlimited power lodged in the hands of the superintendent. I therefore request that your Excellency will

give the strictest injunctions to all your dependants, not to interfere in any manner, with any matter relative to the affairs of the adawlut and foudarry, and that you will yourself relinquish all interference therein, and leave them entirely to the management of Sudder ul Hac Khan. This is absolutely necessary to restore the country to a state of tranquillity.”* 25 APR. 1789

My Lords, what evidence do we produce to your Lordships of the consequence of Mr. Hastings' corrupt measures? His own. He gives you the state of a country by the criminal interfering of the wicked woman whom he had established in power in that place, totally superseding the justice of the country, and throwing everything into confusion. As usual, thank God! there is such irregularity in his conduct, his crimes are so multiplied, that all the contrivances of ingenuity are unable to cover them, and now and then he comes and betrays himself. And here he tells you his own weakness, and the effects of his own corruption. He had appointed Munny Begum to this power; he dare not say a word to her, but he lays the whole upon the Nawab. When the Chief Justice complains that these crimes were in consequence of the favour of Munny Begum and her creatures—these crimes which Mr. Hastings, by means of this wicked woman, was carrying on—why did he not say to the Nawab—“The Begum must not interfere; the Begum's eunuch must not interfere!” He dare not: because that woman had concealed all the bribes but one from the public notice, to gratify him. She had it in her power to discover the whole, [she] and Yatibar Ali Khan, her minister, who had the principal share in this destruction of justice and perversion of all the principal functions of government. Mr. Hastings was obliged, in consequence of that transaction, to support her and support him. He had every principle; for he bought a mercenary silence to pay them. It was a wicked silence—the concealing their common guilt: and you will see what use he makes of the evidence of Yatibar Ali Khan for concealing their guilt, and of this woman for concealing it. There is a corrupt gratitude at once operating a corrupt influence—a corrupt fear influencing at once upon the mind of Mr. Hastings, and which did not enable him to put an end to this scene of disorder and confusion, bought at the expense of 24,000*l.* a year to the Company.

Mr. Hastings induced by fear of disclosure of his bribes to support the Begum.

Your Lordships will observe that that virtuous major, whose reign was but short, and who died of grief Exact account kept by Moham-

* Quoted in Mr. Francis' Minute, and printed as above.

25 APR 17-9.
 11-77
 and Begum
 Khan, in
 order of the
 pecuniary of
 the Company.

and vexation under all the impediments that they met with from Mr. Hastings, who was indirectly the shedder of their blood by the corruptions and oppositions they met with—it is known to the world very well that they broke their hearts—put their conduct out of suspicion, for they ordered an exact account to be kept by Mohammed Reza Khan, who certainly, if any person in the country could be trusted upon his word and character, might be trusted. But they did not trust him, because they knew the Company did not suffer them to trust any man. They ordered an exact account to be kept by him of the Nawab's expenses, which finally must be the Company's expenses. They ordered the account to be sent down yearly, to be controlled, if necessary, that the means of control might exist.

No account
 required of
 Munny
 Begum by
 Mr. Hastings.

What was Mr. Hastings' conduct? He did not give them any order to produce any account, though their character and circumstances were such as made an account ten thousand times more necessary from them than from those from whom it had been in former times by the Company strictly exacted. So that his not ordering any account of the money to be laid out leaves no doubt that, in his appointing Munny Begum, he went back to his old bribes—that he continued her for the purpose of robbing the country; he continued these practices to the ruin of the justice of the country.

Censure by
 the Directors
 of
 Mr. Hastings' ap-
 pointments.

This continued too long for the good of the country, but did not continue absolutely and relatively long; because the court of Directors, as soon as they heard of this iniquitous appointment, which glared upon them in all the light of its infamy, immediately wrote the strongest, the most decided, and the most peremptory, censure upon him—attributing his acts, every one of them, to the same causes to which I attribute them. To let you see that the court of Directors saw the thing in the very light I represent it to your Lordships, and indeed in which every one must see it, they reprobate all his idle excuses; they reprobate all the actors in the scene; they consider it to be not the Nawab but him; that the object of the appointment of Munny Begum was money, and that the object of that appointment was the robbery of the Nawab's treasury.

"We by no means approve your late proceedings on the application of the Nabob Mobareek ul Dowla for the removal of the Nais Soubadar. The requisition of Mobareek ul Dowla was improper and unfriendly, because he must have known that the late appointment of Mahomed

Reza Khan, to the office of Naib Soubadar, had been marked with the Company's special approbation, and that the Court of Directors had assured him of their favour, so long as a firm attachment to the Company's interest and a proper discharge of the duties of his station should render him worthy of their protection. We, therefore, repeat our declaration, that, to require the dismissal of a prime minister thus circumstanced, without producing the remotest proof of his infidelity to the Company, or venturing to charge him with one instance of mal-administration in the discharge of his public duty, was improper and inconsistent with the friendship subsisting between the Nabob of Bengal and the Company."

And, further on, they say :—

"The Nabob having intimated that he had repeatedly stated the trouble and uneasiness which he had suffered from the Naibship of the Nizamut being vested in Mahomed Reza Khan, we observe one of the members of your Board desired the Nabob's repeated letters on the subject might be read; but this reasonable request was overruled, on a plea of saving the Board's time, which we can by no means admit as a sufficient objection. The Nabob's letters of the 25th and 30th of August, of the 3rd of September and 17th of November, leave us no doubt of the true design of this extraordinary business, being to bring forward Munny Begum and again to invest her with improper power and influence; notwithstanding our former declaration that so great a part of the Nabob's allowance had been embezzled or misapplied under her superintendence. Instead of your declaring that the Nabob's demands were grounded on positive rights, which will not admit of discussion—that the Nizamut is his inheritance—that the dependants of the Nizamut, Adawlut and Foujedarry, appertain to that inheritance; that, as he is pleased to demand and assert the positive rights of his office as Nizam of the provinces, there is no ground for denying his request; and that a reference to the Company would be an evasion unbefitting the honour of Government; the Nabob might have been reminded that a Naib Soubadar was appointed, and the office continued without interruption or objection during the government of his ancestors, who must have been supposed more capable of governing the provinces than a youth of 20 years of age. You have requested this unexperienced young man to permit all the present judges and officers of the Nizamut and Foujedarry adawluts or courts of criminal justice, and also all the Foujedars or officers appointed to guard the peace of the country, to continue in office until he the Nabob shall have formed a plan for a new arrangement of those offices; and it is with equal surprise and concern that we observe this request introduced, and the Nabob's ostensible rights so solemnly asserted, at this period, by our Governor General; because, on a late occasion, to serve a very different purpose, he has not scrupled to declare it as visible as the light of the sun that the Nabob is a mere pageant, and without even the shadow of authority. No circumstance has happened since that declaration was made to render the Nabob more independent, nor to give him any additional degree of power and consequence."

* Extract of General Letter from the court of Directors to Bengal, dated 4th February, 1779.—Printed in the Appendix to the Fifth Report of the Select Committee, No. 6 (A. a.).

25 APR. 1759.

Corrupt
motives of
Mr. Hast-
ings.

At present I do not think it necessary to trouble your Lordships, because it is more than enough—it is slaying the slain—to show what Mr. Hastings' motives were; that he acted against the sense of the East India Company appointed by an Act of Parliament to control him; that he did it for a corrupt purpose; that all his pretences were false and fraudulent; and that he had his own corrupt views in the whole of the proceeding.

Mr. Hast-
ings' method
of playing off
the author-
ity of the
Nawab.

I beg your Lordships to consider that, in this statement that I make to you of this matter, you will observe the instruments with which Mr. Hastings acts. The great men of that country, and particularly the subahdar himself, the Nawab, is in so equivocal a situation that it affords him two bolting holes, by which he is enabled to resist the authority of the Company and exercise an arbitrary authority of his own: for, though the Nawab has the titles of high sovereignty, he is the lowest of all dependants. He appears to be the master of the country; he is a pensioner of the government. When Mr. Hastings wants him to obey and answer his corrupt purposes, he finds him in the character of a pensioner. When he wants his authority, to support him in opposition to the authority of the Company, immediately he invests him with high sovereign powers, and he dare not execute the orders of the Company, for fear of doing some act that will make him odious in the eyes of God and man. We see how he appointed all officers for him, and forbade his interference in all affairs. When the Company see the impropriety and the guilt of these acts, and order him to rescind them and appoint again Mohammed Reza Khan, he declares he will not: that he cannot do it in justice; but that he will consent to send him the order of the Company, but without backing it with any order of the Board: which, supposing even there had been no private communication, was in other words commanding him to disobey it.

He pretends
to refer to
the Nawab
the Direc-
tors' order to
restore Mo-
hammed
Reza Khan.

So this poor man, who a short time before was at the feet of Mr. Hastings, whom Mr. Hastings declared to be a pageant, and swore in a court of justice that he was but a pageant—and he followed that affidavit with long declarations in Council that he was a pageant in sovereignty and ought in policy ever to be held out as such—that man he sets up in opposition to the Company, and refuses to appoint Mohammed Reza Khan, who was guaranteed by the express title of the Company, pledged to his support in his office.

Will any man tell me that that resistance, under such base and plausible pretences, could be any other than following systematically up the system of corruption and the bribes he had received from Munny Begum? 25 APR. 1799.

But there is another circumstance that puts it in a stronger light. He opposes the Nawab's mock authority to the authority of the Company. He receives an answer, defying that authority of the Company, and leaves Mohammed Reza Khan unemployed, because he cannot in justice execute orders from the Company—though they are his undoubted masters—contrary to the rights of the Nawab. You see what the rights of the Nawab were. The rights of the Nawab were to be governed by Munny Begum and her scandalous ministers. But, however, we see him there now. He is exalted an independent sovereign: he defies them at the head of their armies and their treasury. That name that makes all India shake was defied by one of its pensioners. Rejection of the order by the Nawab.

My Lords, human greatness is an unstable thing. This man so suddenly exalted by Mr. Hastings was as soon depressed, and the manner of his depression is as curious as that of his exaltation, and will tend to show you the man most clearly. Mr. Francis, who constantly had opposed Mr. Hastings upon principles of honour and principles of obedience to the authority under which he acted, had constantly asserted that Mohammed Reza Khan ought to be put into employment. Mr. Hastings constantly opposed him, and the reason he gave for it was that it was against the direct rights of the Nawab, and that they were rights that were so sacred that they could not be infringed, even by the sovereign authority of the Company ordering him to do it. He had so great an aversion to the least subtraction of right, that he would not suffer this man to be invested with his office, under the Company's authority, by the express command of the court of Directors. The Nawab was too sovereign, too supreme, for him to do it. But, such is the fate of human grandeur, that a whimsical event reduced the Nawab to his state of pageant again and made him the subject of you will see whom. Mr. Francis, who all along had never followed any principle but that which he had followed in conformity to his own plans and those of his virtuous colleagues, namely, an entire obedience to the laws of his country, had never contended for any one thing but an obedience to them on the part of Mr. Hastings, in any instance

Support of Mohammed Reza Khan by Mr. Francis.

25 APR. 17-9.

and in any way. Mr. Hastings had other principles. He found he was so embarrassed by his disobedience to the spirit of the orders of the Company, by the various wild projects he had formed, that, even with the majority of the Council, he found it was necessary for him at any price to gain over Mr. Francis.

His abandonment of opposition to Mr. Hastings on condition of his reinstating Mohammed Reza Khan.

Mr. Francis, frightened by the same miserable situation of things—it was in a most dangerous period—the height of the Marhatta war—Mr. Francis was willing likewise to give up his opposition to him, and to suspend the execution of many rightful things and to give them up to the public necessity. Accordingly he agreed with Mr. Hastings. What was the price of that surrender? Any base purpose? Any desertion of public duty? No; all that he desired of Mr. Hastings was, that he should obey the orders of the Company, and, among other acts of his obedience, that Mohammed Reza Khan should be put into that place.

The Nawab makes the appointment at Mr. Hastings' dictation.

You have heard how Mr. Hastings opposed the order of the Company, and for what he opposed it. On the 1st of September he sent an order for the Nawab to give up this place to Mohammed Reza Khan, which he had represented as a dethroning of the Nawab. The order went on the 1st of September, and on the 3rd this great and mighty prince, whom all earth could not move from the assertion of his rights, gives them all up, and Mohammed Reza Khan is invested with them. So there were all his pretences gone. It is plain the whole was done for Munny Begum; and when he gave up anything it was from necessity. It shows that the Nawab was the meanest of his servants; for his daily bread undoubtedly was eaten out of the hands of Mr. Hastings, through Munny Begum.

Private assurance to the Nawab that the appointment should be rescinded.

Mohammed Reza Khan was invested again with that place; but such was the treachery of Mr. Hastings that, though he wrote to the Nawab it was done in consequence of the orders of the Company, he did clandestinely, according to his usual mode, assure the Nawab that Mohammed Reza Khan should not hold the place longer than till he heard from England. Then he wrote another, that he should hold it no longer than while he submitted to his present necessity. So here he gave to his colleague what he refused to the Company, and engaged privately that he would dismiss Mohammed Reza Khan again; and, the moment he thought Mr. Francis was not in a condition to give him trouble any longer, that moment he turned Mohammed Reza Khan out

Mohammed Reza Khan removed from office.

again from that general superintendence of affairs which the Company gave him—deposed him as a minister—left him only in a very confined manner as a magistrate; and all these changes—no less than four great revolutions, if I may so call them—were made by Mr. Hastings for this corrupt purpose. This is the manner in which Mr. Hastings has played with the most sacred objects that man ever had a dealing with—with the government—with the justice—with the order—with the dignity—with the nobility—of a great country. He played with them to satisfy his own wicked and corrupt purposes, through the basest instrument that ever was known.

Now, my Lords, I have done with the presumption that arose from this which I have shown first, because it is a strong presumption upon all the other proceedings arising from corruption with Munny Begum; and, next, to show that it is not a slight crime, but that it is attended with breach of public faith—with a breach of his orders—with a breach of the whole English Government and the destruction of the native government, of the police, the order, the safety, the security and the justice, of the country—all much concerned in this cause. Therefore the Commons stand before the face of the world to say we have brought a cause—a great cause—a cause worthy the Commons of England to prosecute, and worthy the Lords to judge and determine upon.

Now, I have nothing further, after these presumptions being finished, than to state what the consequences are of Mr. Hastings taking bribes; that Mr. Hastings taking bribes is not only his own corruption, but it is the incurable corruption of the whole service.

I will show, first, that he was named in 1773 to put an end to that corruption. I will show that he did not; that he knowingly and wilfully connived at it; and that that connivance was the principal cause of all the disorders that have hitherto prevailed in that country.

I will show you that he positively refused to obey the Company's orders, to inquire into or to correct the corruptions that prevailed in that country. Next, that he established an avowed system of connivance, in order to gain everything that was corrupt in the country. And that, lastly, to secure it, he gave up all the prosecutions, and enervated and took away the sole arm left to the Company for

25 APR. 1780.

Inference of corruption, with breach of faith and duty.

Corruption of the service consequent on Mr. Hastings' bribery.

25 APR. 1780. the assertion of authority, and the preservation of good morals and purity in their service.

My Lords, here is a letter, in the year 1773, in which the court of Directors had, upon his own representation, approved some part of his conduct. He is charmed with their approbation; he promises the greatest things. But then, that very instant, he proceeds in the following manner, that, I believe your Lordships will see, a more deliberate system for, not only being corrupt himself, but supporting corruption in others, never was exhibited in any public papers,—

His excuses to the Directors for not inquiring into corrupt practices in the service.

“While I indulge the pleasure which I receive from the past successes of my endeavours, I own I cannot refrain from looking back with a mixture of anxiety on the omissions, by which I am sensible I may since have hazarded the diminution of your esteem. All my letters addressed to your Honourable Court, and to the Secret Committee, repeat the strongest promises of prosecuting the inquiries into the conduct of your servants, which you had been pleased to commit particularly to my charge. You will readily perceive that I must have been sincere in those declarations, since it would have argued great indiscretion to have made them had I foreseen my inability to perform them. I find myself now under the disagreeable necessity of avowing that inability: at the same time, I will boldly take upon me to affirm that, on whomsoever you might have delegated that charge, and by whatever powers it might have been accompanied, it would have been sufficient to occupy the entire attention of those who were entrusted with it; and, even with all the aids of leisure and authority, would have proved ineffectual. I dare appeal to the public records—to the testimony of those who have opportunities of knowing me, and even to the detail, which the public voice can report of the past acts of this government, that my time has been neither idly nor uselessly employed; yet such are the cases and embarrasments of this various state, that although much may be done, much more even in matters of moment must necessarily remain neglected. To select from the miscellaneous heap, which each day's exigencies present to our choice, those points on which the general welfare of your affairs most essentially depends; to provide expedients for future advantages, and guard against probable evils, are all that your administration can faithfully promise to perform for your service with their united labours most diligently exerted. They cannot look back without sacrificing the objects of their immediate duty which are those of your interests to endless researches which can produce no real good; and may expose your affairs to all the ruinous consequences of] personal malevolence both here and at home.”*

Insincerity of his excuses.

My Lords, this is the first man that I believe ever took credit for his sincerity from his breach of his promises. “I could not have made these promises if I had not thought that

* Extract of letter from Mr. Hastings to the Court of Directors, dated 11th November, 1773.—Printed in the Appendix to the Fifth Report of the Select Committee on Indian Affairs, No. 5.

I could perform them. Now I find I cannot perform them ; ^{25 APR. 1780.} and you have in that non-performance, and in that profession, a security for my sincerity when I promised them." Upon this principle, any man who makes a promise has nothing to do afterwards but to say that he finds himself, without assigning any particular cause for it, unable to perform it, not only to justify himself for his non-performance, but to justify himself and claim credit for sincerity in his original profession. This was a charge given him specially, and he promised obedience, over and over, upon the spot and in the country, in which he was no novice—for he had been bred in it ; it was his native country in one sense ; and it was the place of his renewed nativity and regeneration. Yet this very man, as if he was a novice in it, says—"I promised you what I now find I cannot perform." Then he does worse : he says, he cannot perform it without giving up his whole time : he says, no man could perform it if he gave up his whole time to it : and lastly, he says, that the inquiry into these corruptions, even if you succeeded in them, would do more harm than good.

Now, was there ever an instance of a man so basely deserting a duty, and giving so base a reason for it ? His duty was to put an end to corruption in every channel of government. "It cannot be done." "Why?" "Because it would expose our affairs to malignity and enmity, and end, perhaps, to our disadvantage." Not only will he connive himself, but he advises the Company to do it. For fear of what?—for fear that their service was so abandoned and corrupt that the display of the evil would tend more to their disreputation than all their attempts to reform it would tend to their service.

Mr. Hastings should naturally have imagined that the law was a resource in this desperate case of bribery. He tells you that, in that charge of oppression,—

"Though they were supported by the cries of the people, and the most authentic representations, yet it is impossible in most cases to obtain legal proofs."

Here is a total system of despair upon the business, which I hope and believe is not a desperate one, and has not proved a desperate one whenever a rational attempt has been made to pursue it. Here you find him corrupt, and you find, in consequence of that corruption, that he screens the whole body of corruptions in India, and pretends

25 APR. 1780. an absolute despair of any possibility, by any art or address, of putting an end to them. Nay, he tells you that, if corruption did not exist, if it was not connived at, the India Company could not exist. Whether that be a truth or not I cannot tell; but this I know, that it is the most horrible picture that ever was made of any country. It might be said that these were excuses for omissions—sins of omission there he calls them. I will show that they were systematic; that Mr. Hastings did uniformly contend that he would connive at abuses. When the whole mystery of the iniquity in which he himself was deeply concerned—when all the Company's orders were contravened—when contracts were given directly contrary to their orders, and upon principles subversive to their government, leading to all manner of oppression and ruin to the country—what was Mr. Hastings' answer?—

His connivance
in abuses.

"I must here remark that the majority I had not the power of establishing it."*

Then he goes on and states other cases of corruption, at every one of which he winks. Here he states another reason for his connivance. "Suppose again"—for he puts another supposition: and these suppositions are not hypotheses laid down for argument, but real facts existing then before the Council examining into grievances—

"Suppose again that any person had benefitted himself unprofitable discussion."*

Here is a direct avowal of his refusing to examine into the conduct of persons in the Council, even in the highest departments of government, and the best paid, for fear he should dissatisfy them, and should lose their votes, by discovering those peculations and corruptions, though he perfectly knew them. Was there ever, since the world began, any man who would dare to avow such sentiments until driven to the wall? If he could show that he abhorred bribes and kept at a distance from them, then he might say "I connive at the bribes of others"; but, when he acknowledges that he takes bribes, how can you doubt that he buys a corrupt confederacy, and puts an end to any hope through him of reformation of the abuses at Bengal? But your

* The paper referred to has not been found.

Lordships will see that he not only connived at abuse, but patronised it—supported it—for his own political purposes, as he here himself confesses; that, if it created him ill humour, produced him an opposition in Council, he sacrificed the power of the Company and the constitution of their government. Did he so? The Company ordered him to prosecute those people, and their constitution required that they should be prosecuted. “No,” says Mr. Hastings, “the conniving at it procures a majority of votes.” The very thing that he bought was not worth half the price he paid for it. He was sent to reform corruptions, and, in order that he might reform corruptions, he winked at, countenanced and patronised them, to get a majority of votes; and what was in fact a sacrifice to his own interest, ambition and corruption, he calls a sacrifice to the Company! So he puts this alternative—“either give everything into my hand—suffer me to go on and have no control—or else I wink at every species of corruption.” It is a remarkable and stupendous thing that, when all the world was alarmed at the disorder of the Company, when that alarm procured his being sent out, when Parliament took such an alarm at it that they suspended the constitution of the Company, and appointed another government, that he should tell that Company that Parliament had done wrong, and that the person put at the head of that government was to wink at these abuses.

But he went further: he not only declared that, upon general principles, it was impossible to pursue the delinquencies of India, and, if possible to pursue them, that mischief would happen from it, but your Lordships will observe that, in this business, during the whole period of time for which that body was sent out to inquire into and reform the corruptions of that government, not one person was called to an account, nor, except Mr. Hastings, this day, any one punished for delinquency: whether he will be punished or no time will show. I have no doubt of your Lordships’ justice, and of the goodness of our cause; but he was by his connivance and protection the promoter of all the evils in India. The table of the House of Commons groaned under complaints of the evils growing in India under this systematic connivance of Mr. Hastings. The Directors had set on foot prosecutions—God knows how; but, such as they were, they were their only remedy; and they began to consider at last that these prosecutions had taken a long oblivious nap

25 APR. 1789.
His encouragement of corruption to gain support.

Prosecutions ordered by the Directors.

25 APR. 1789. of many years ; and, at last, knowing that they were likely, in the year 1782, to be called to a strict account about their own conduct, they began to rouse themselves, and they write thus :—

“ Having, in several of our letters to you, very attentively perused all the proceedings referred to in these paragraphs relative to the various forgeries on the Company’s treasuries, we lament exceedingly that the parties should have been so long in confinement without being brought to trial.”

Here, my Lords, after that justice had been asleep a while, it was renewed and revived. They directed two things ; first, that they should pursue those suits ; but, whether pursued or no, that they should give an account of the state of them, that they might give orders concerning them.

Abandonment of the prosecutions by Mr. Hastings.

Your Lordships see they write ; you see the orders of the Company. Did they want to pursue and to revive these dormant prosecutions ? They want to have a state of them. that they may know how to direct the future conduct of them with more effect and vigour than had yet been pursued. You would naturally imagine that Mr. Hastings did not obey their orders or obeyed them languidly. No ; he took another part. He says,—

“ Having attentively read and weighed the arguments for withdrawing them.”*

So he begins with the general principle of connivance ; he directly avows he does it for a political purpose ; and when the Company directs he shall proceed in the suits, instead of referring it to their judgments, he takes the judgment on himself, and says they are untenable. He directly discharges the prosecutions of the Company, supersedes the authority of his masters, and gives a general release to all the persons who were still suffering by the feeble footsteps of justice in that country. He gave them an act of indemnity, and that was the last of his acts. When you find a man taking bribes ; when you find a man establishing principles of connivance ; when you find a man establishing principles of connivance for his own support ; and when you find him ordered to raise special proceedings against particular men, he discharges them and gives them an indemnity by his own act !

* The letter referred to has not been found.

Now, am I justified in showing the consequence of his bribery—the presumptions that arise from his own bribes, in being so attentive to secure others from the consequences of theirs, and when ordered to carry on a suit discharging it? When we see that, can we avoid judging and forming our opinions upon two grand points—first, that no man would proceed in that universal patronage of guilt, unless he was guilty himself; next, that by an universal connivance for fourteen years, he is himself the cause and main spring of all the evils, calamities, extortion and bribery, that have prevailed and ravaged that country so long a time? There is no doubt either of the presumption of his guilt or of the consequences of it, by which he has indeed given over the last expiring hope and glimpse there was of procuring a remedy for India for the evils that exist in it.

25 APR. 1789.
Conclusion of his guilt from his connivance at corruption.

I would mention, as a postscript to what I have said respecting the situation of Munny Begum, he did not end there. When he could no longer put the government into the hands of that infamous woman, he sent an amorous, sentimental, letter to the Company, describing her miserable situation, and advising the Company to give her a pension of 72,000 rupees a year to maintain her; and he describes her situation in such a sentimental way as must melt every heart. He supposes her reduced by the cruel orders of the Company, who retain from her money which they were never obliged to give her. That representation he made to the Company alone, because his colleagues would not countenance him in it; for we find, upon looking into Lord Cornwallis' last examination into the state of this unhappy family, that this woman was able to lend to Mobaric-ud-Dowla 20,000*l*. Mr. Hastings could not avoid it, because he knew that, if he quitted the country without securing that woman—without giving her a hope that she had an agent here who could procure by his credit that money which by his authority he had before procured for her—she could then make a discovery of all that corruption that had been carried on between them; and therefore he squanders away the treasures of the Company in order to secure him from any such inquiries, and to procure him razi namas* and all those fine things. He knew that Munny Begum—that the whole scraglio—that all the country—whom he had put under the dominion of Sir John D'Oyley—that all those

Mr. Hastings' recommendation of a pension to Munny Begum.

Induced by the necessity for securing her silence.

* Properly a deed of assent, but here used in the sense of a testimonial.

25 A. R. 1780. people might have made a discovery of all his corrupt proceedings. He gets the Nawab to appoint Sir John D'Oyley his agent here for carrying on these things, to stop his mouth, and by the hope of another 160,000*l.* a year to prevent his giving an account of the dilapidation and robbery that was made of the 160,000*l.* that was left him.

His constant support of the Begum after receiving the bribe in 1772.

My Lords, I wish you to refer back to what I said about Munny Begum, to show you that from the day of his bribery, from the 12th of August, 1772, down to this very hour, for the sake of pillaging that miserable Nawab's family, he has never omitted to support that woman who bribed him; and there is an attempt to waste and dilapidate the Company's moneys, to give rewards to that very woman, she wallowing in money, whom he represents, with as much fairness as he represents himself, to be in a state of the most miserable poverty and distress.

His sale of the offices of the country.

Now I have finished what I proposed to say relative to his great fund of bribery, in the first instance of it, namely, in the administration of justice in the country. There is another system of bribery which I shall state before my friends produce the evidence. He puts all the great offices of the country to sale. He makes use of the trust of the revenues in order to destroy the whole system of those revenues, to make them bound and to be subservient to his system of bribery; which will make it necessary that your Lordships should couple the consideration of the charge of the revenues, in some instances, with that of bribery.

The next day your Lordships meet—and I hope I shall not detain you so long—I mean to open the second stage of his bribery—the period of discovery: for the first stage was the period of concealment. When he found his bribes could no longer be concealed, he next took upon him to discover them himself, and to take merit from them. I think it is not necessary to fatigue your Lordships with that at present; but, upon the next court day that you shall be pleased to appoint, I will open the second scene of his speculation—his new principles of it; and I will defy your Lordships to form a judgment which of them is the most iniquitous, though this next is the newest that ever was practised: and, whether treading in old corruptions and excelling the examples he imitated, or whether exhibiting new ones of his own, is the most iniquitous and attended with most evil to the Company, I must leave your Lordships to judge. At present I submit these considerations to your judgment.

QUATION OF THE SPEECH OF THE RT.
 . EDMUND BURKE, MANAGER FOR THE
 SE OF COMMONS, IN OPENING THE SIXTH
 ICLE OF THE CHARGE, RELATING TO PRE-
 FS ; 5 MAY, 1789.

LORDS,—Agreeably to your Lordships' proclama- 5 MAY 1789.
 ich I have just heard, and the duty enjoined me by
 se of Commons, I come forward to make good their
 of high crimes and misdemeanours against Warren
 , Esq., late Governor General of Bengal, and now
 r at your bar.

ords, since I had last the honour of standing in this
 efore your Lordships, an event has happened upon
 is difficult to speak and impossible to be silent. My
 have been disavowed by those who sent me here to
 t them. My Lords, I have been disavowed in a ma-
 gagement, which I made to this House to perform.
 ds, that disavowal has been followed by a censure.

, my Lords, so censured and so disavowed, by such an
 r, I am sent here again to this place of my offence
 e same commission, by the same authority, to make

e same charge against the same delinquent. My
 ie situation is new and awful. The situation is such
 eve and I am sure, has nothing like it on the records
 ment, nor probably in the history of mankind. My

is not only new and singular, but I believe, to many
 who do not look into the true interior nature of
 ; may appear that it would be to me as mortifying as
 recedented. But, my Lords, I have, in this situation

a the consideration of all the circumstances, some-
 ore to feed my mind with than mere consolation ;
 my Lords, I look upon the whole of these circum-
 considered together, as the strongest, the most de-

id the least equivocal, proof which the Commons of
 ritain can give of their sincerity and zeal in this
 ion. My Lords, is it from a mistaken tenderness or
 partiality to me that, thus censured, they have sent
 this place? No ; my Lords : it is because they feel

Reference to
 a vote of the
 House of
 Commons,
 censuring
 his im-
 puting the
 death of
 Nundoomar
 to Mr. Hast-
 ings.

Renewed
 authority to
 proceed in
 the charges.

Proof of the
 zeal of the
 house in the
 prosecution.

6 MAY 1789. and recognise in their own breasts that active principle of justice, that zeal for the relief of the people of India, that zeal for the honour of Great Britain, which characterises me and my excellent associates ; and, in spite of any defects, in consequence of that zeal which they applaud while they censure its mistakes, and because they censure its mistakes do but more applaud, have sent me to this place, instructed but not dismayed, to pursue this prosecution against Warren Hastings, Esq.

And, therefore, your Lordships will be pleased to consider this, as I consider it, not as a thing honourable to me, in the first place, but as honourable to the Commons of Great Britain, in whose honour the national glory is deeply concerned, that I should suffer myself with pleasure to be sacrificed in what perhaps is dearer to me than my life, my reputation, rather than suffer it to be supposed that the Commons could for one moment have faltered in their duty.

His encouragement from the confidence of the House.

My Lords, I, on one hand, feeling myself supported and encouraged, feeling protection and countenance from this admonition and warning which has been given to me, will show myself, on the other hand, not unworthy so great a mark of the favour of the Commons—a distinguished mark of favour, not the consequence of flattery but of opinion. Animated by that noble reward, which I shall always consider the confidence of the Commons to be, animated and encouraged by that noble reward—the only reward, but a rich reward, which I have received for the toils and labours of a long life—I proceed, with the Commons thus vindicated and myself thus encouraged, for such I consider it to be, in making good the honour of the Commons, which is the national honour. For, my Lords, if any weak circumstance—if any feebleness of nerves—if any yielding to any weak and popular opinions and delusions, were to shake us, consider what the situation of this country would be. This prosecution, if ill-digested, weakly conceived or intemperately pursued, ought never to have been brought to your Lordships' bar: but being brought to your Lordships' bar the nation is committed to it, and the least appearance of uncertainty would ruin us for ever. *Esto perpetua* has been said ; *esto perpetua*, much more be it said, to its glory and perfection ; and I will say that, as we have raised and exhibited a theatre of justice which has excited the admiration of all Europe, there would be a sort of lustre in our infamy and a splendour in the disgrace that we should bring upon

ourselves, if we should, just at that moment, turn that theatre of our glory into a spectacle of dishonour, beyond that which has ever happened to any country of the world. Therefore, the Commons of Great Britain, whilst willing to keep a strong and firm hand over all those who represent them in any business, do at the same time encourage them in the prosecution, by showing to them that they have a just discretion and latitude, wherever their own orders have not marked a distinction.

I, therefore, go on with the more cheerful confidence, not only for the reasons that I have stated, but for another and material reason. I know and am satisfied that, in the nobleness of your Lordships' judgment, you will always make a distinction between the person that gives the order and the organ that is to execute it. The House of Commons know no such thing as indiscretion, imprudence or impropriety: their instruments may. And your Lordships very well know that, if you hear anything that shall appear to you to be regular, apt to bring forward the charge, just, prudent, cogent, you are to give it to the Commons of Great Britain, in Parliament assembled. If you should hear from me—and it must be from me alone, and not from any other member of the committee—anything that is unworthy that situation, that comes feeble, weak, indigested, or ill-prepared, attribute that to the instrument. Your Lordships' judgment would have done that without my saying it; but I claim it on the part of the Commons, for their dignity, asking for myself the necessary indulgence that must be given to all weakness, that your Lordships would impute it where you would have imputed it without my desire. It is a distinction you would naturally have made, and the rather, because what is alleged at the bar is not that upon which you are to give judgment. If, not only I, but the whole body of Managers had made use of any expression I made use of, even if the Commons of Great Britain in Parliament assembled, if the collective body of Parliament, if the voice of Europe, if we "speak with the tongues of men and angels," you, in the seat of judicature are not to regard what we say but what we prove. You are to consider whether the charge is well substantiated, and proof brought out by legal inference and argument.

You know, and I am sure the habits of judgment in which your Lordships sit must better inform you than any other men, that the duties of life, in order to be well per-

5 MAY 1789.

Indiscretion in the conduct of the prosecution to be attributed to himself, not to the Commons.

Duty of the managers to enforce the charges to the utmost.

5 MAY 1789.

formed, must be methodised, separated, arranged and harmonised, in such a manner that they shall not clash with one another, but each have a department assigned and separated to it. My Lords, in that manner it is that we the prosecutors have nothing to do with the principles which are to guide the judgment; that we have nothing to do with the defence of the prisoner. Your Lordships well know that, when we come before you, you hear a party—that when the accused come before you, you hear a party; that it is for you to doubt and wait your decision till you come to the close; that it is for us, the prosecutors, to have decided before we came here. To act as prosecutors, we ought to have no doubt or hesitation, nothing trembling or quivering in our minds upon the occasion. We ought to be fully convinced of guilt before we come to you. It is our business to bring forward the proofs, to enforce them with all the clearness, illustration, example, that we can bring forward. We are to show the circumstances that can aggravate the guilt; we are to go further, to show the mischievous consequences and tendency of those crimes to society; and we are, if able so to do, to arouse and awaken in the minds of all that hear us those generous and noble sympathies which Providence has planted in the breasts of all men, to be the true guardians of the common rights of humanity. Your Lordships know that that is the duty of the prosecutors; and that, therefore, we are not to consider the defence of the party, which is wisely and properly left to himself; but we are to press the accusation with all the energy of which it is capable, and, with minds perfectly convinced, come before an august and awful tribunal which at once tries the accuser and the accused.

Resolution
of the Com-
mons, dis-
avowing the
charge
against
Mr. Hast-
ings respect-
ing the
death of
Nundoomar.

Having stated thus much with respect to the Commons, I am to read to your Lordships the resolution which the Commons have come to upon this great occasion, upon which I shall take the liberty to say a very few words.

My Lords, the Commons have resolved last night, and I have not seen it till this morning:—

“That no direction or authority was given by this house to the Committee appointed to manage the Impeachment against Warren Hastings, Esq., to make any charge or allegation against the said Warren Hastings respecting the condemnation or execution of Nundoomar; and that the words spoken by the Right Honourable Edmund Burke, one of the said Managers, *ridiculous*, that he (meaning Mr. Hastings) murdered that man (meaning Nundoomar) by the hands of Sir Philip Amherst ought not to have been spoken.”

My Lords, this is the resolution of the House of Commons. Your Lordships well know and remember my having used such or similar words, and the end and purpose for which I used them. I owe a few words of explanation to the Commons of Great Britain, who attend in the committee of the whole House, to be the observers and spectators of my conduct. I owe it to your Lordships—I owe it to this great auditory—I owe it to the present times and posterity—to make some apology for a proceeding which has drawn upon me the disavowal of the House which I represent. Your Lordships well remember that this charge, which I have opened to your Lordships, is primarily a charge upon the evidence of the Raja Nundecomar, and, consequently, I thought myself obliged—I thought it a part of my duty—to support the credit of that person who is the principal evidence, to support the direct charge that is brought before your Lordships. I knew that Mr. Hastings, by his anticipated defence before the House of Commons, would attempt to shake the credit of that witness. I therefore thought myself justified in informing your Lordships, and in warning him that, if he did attempt to shake the credit of an important witness against him by an allegation of his having been condemned and executed for a forgery, I would endeavour to support his credit by attacking that very prosecution which brought on that condemnation and that execution, and that I did consider it, and would lay grounds before your Lordships to prove it, to be a murder committed, instead of a justification set up or that ought to be set up. Now, my Lords, I am ordered by the Commons no longer to persist in that declaration, and I, who know nothing in this place, and ought to know nothing in this place, but obedience to the Commons, do mean—when Mr. Hastings makes that objection, if he shall be advised to make it, against the credit of Raja Nundecomar—not to support that credit; and, therefore, that objection to the credit of the witness must go unrefuted by me.

5 MAY 1780.
Apology for having exceeded the terms of the impeachment.

The charge of bribery founded on Nundecomar's evidence.

Necessity for clearing his character from the imputation of forgery.

My Lords, I must admit, perhaps against my private judgment—but that is of no consideration for your Lordships when opposed to the judgment of the House of Commons—or at least not contest at all, that a first minister of state in a great kingdom, who had the administration and the entire and absolute command of a revenue of 1,500,000*l.* a year for his benefit, had been guilty of a paltry forgery in Cal-

Coincidence of his prosecution with his accusation of Mr. Hastings.

5 MAY 1780.

cutta, and that this man who had been guilty of this paltry forgery had waited for his sentence and his punishment, till a body of English judges, armed with an English statute, came to Calcutta; and that that happened at the very happy nick and moment when he was accusing Mr. Hastings of the bribery with which we now, in the name of the Commons, charge him; that it was an entirely fortuitous concurrence of circumstances, which weakened the credit of Nundcomar, and for that time took away the danger of his prosecution in which Mr. Hastings had no share; or that it was owing to something beyond,—to circumstances more pious than fortuitous, namely, what Mr. Hastings tells you himself, “that all persuasions of men were pervaded with a superstitious belief that a fortunate influence directed all my actions to their destined ends.” I, not being at that time infected with that superstition, did not believe, considering what I thought Mr. Hastings’ guilt to be, and what I must prove it to be as well as I can, that Providence did watch over Mr. Hastings, so as in the nick of time, like a God in a machine, to come down to save him in the moment of his imminent peril and distress. I did not think so; but I must not say so.

Proof from Mr. Hastings’ defence before the Commons of his purpose to blacken the character of Nundcomar.

But now, to show that it was not weakly, loosely or idly, that I took up this business, or that I anticipated a defence which it was not probable for Mr. Hastings to make—and I wish to speak to your Lordships in the first instance, but to the Commons in the next—I will read part of Mr. Hastings’ Defence before the House of Commons. It is in evidence before your Lordships. He says:—

“In this article, my accuser”—meaning myself, then acting as a private member of Parliament—“charges me with the receipt of large sums of money taken before the promulgation of the Regulating Act of 1773, contrary to my covenants with the Company, and with the receipt of very large sums taken since, in defiance of that law, and contrary to my declared sense of its provisions, and he ushers in this charge in the following pompous diction—‘That, in March 1775, the late Rajah Nundcomar, a native Hindoo of the highest cast in his religion, and of the highest rank in society, by the offices which he had held under the country government, did lay before the Council an account of various sums of money, &c.’ It would naturally strike every person, ignorant of the character of Nundcomar, that an accusation made by a person of the highest cast in his religion, and of the highest rank by his offices, demanded peculiar notice, and acquired a considerable degree of credit, from a prevalent association of ideas that a nice sense of honour is connected with an elevated rank of life; but when this honourable House is informed that my accuser knew (though he suppressed the facts) that his accuser of high rank and high cast had forfeited every pretension

to honour, veracity and credit,—that there are facts recorded on the very 5 MAY 1780. proceedings which my accuser partially quotes proving this man to have been guilty of a most flagrant forgery of letters from Munny Begum and the Nabob Yetram-ul-Dowlah (independent of the forgery for which he suffered death) of the most deliberate treachery to the state, for which he was confined by the orders of the court of Directors to the limits of the town of Calcutta, in order to prevent his dangerous intrigues, and of having violated every principle of common honesty in private life—I say, when this honourable House is acquainted it is from mutilated and garbled assertions founded on the testimony of *such an evidence* without the whole matter being fairly stated. I do hope and trust it will be sufficient for them to reject *now* these vague and unsupported charges, in like manner as they were *before* rejected by the court of Directors, when they were first made by General Clavering, Colonel Monson and Mr. Francis.”

My Lords, I hope this was a good and reasonable ground for me to anticipate the defence which Mr. Hastings would make in this House, namely, on the known, recognised, infamous, character of Nundcomar, with regard to certain proceedings there charged at large, with regard to one forgery for which he suffered, and two other forgeries with which Mr. Hastings charged him. I, who found that the Commons of Great Britain had received that very identical charge of Nundcomar, and given it to me in trust to make it good, did naturally—I hope excusably, for it is the only ground upon which I stand—endeavour to support that credit upon which the House acted. I hope I did so: and I hope that the goodness of that intention will be my excuse, if I went a little too far on that occasion. I would have endeavoured to support that credit, which it was much Mr. Hastings' interest to shake, and which he had before attempted to shake.

Your Lordships will have the goodness to suppose me now making my apology, and by no manner of means intending to persist either in this or in anything which the House of Commons shall desire me not to declare in their name. But the House of Commons has not denied me [the liberty] to make you this just apology. God forbid they should; for they would be guilty of great injustice if they did. The House of Commons, whom I represent, will likewise excuse me, their representative, in endeavouring to support their character in the face of the world, and in making an apology, and only a humble apology, for my conduct—that I did consider that act in the light that I represented it, merely as my private opinion, without any formal instruction from the House. For there is no doubt that the House is per-

Object of Mr. Burke to support Nundcomar's character.

Distinction between his own opinions and those he delivers as representing the Commons.

5 MAY 1780. feetly right in that. The House did neither formally instruct me, nor at all forbid my making use of such an argument. And, therefore, I have given your Lordships the reason why it was fit to make use of such argument—if it was right to make use of it. But I am in the memory of your Lordships that I did conceive it to be relevant ; and it was by the poverty of the language I was led to express my private feelings under the name of a murder. For, if the language had furnished me, under the impression of those feelings, with a word sufficient to convey the complicated atrocity of that act, as I felt it in my mind, I would not have made use of the word murder. It was on account of the language furnishing me with no other I was obliged to use that word. Your Lordships do not imagine, I hope, that I used that word in any other than in a moral and popular sense, and not the legal and technical sense of the word murder.

Persistence
in the
charge in
his own
judgment.

The term
murder used
in the moral,
not the legal
sense.

Your Lordships know that I could not bring before this bar any commoner of Great Britain on a charge for murder. I am not so ignorant of the laws and constitution of my country. I expressed an act which I conceived to be of an atrocious and evil nature, and partaking of some of the moral evil consequences of that crime. What led me into that error? nine years meditation upon that subject.

His opinion
on the sub-
ject the
result of
many years'
considera-
tion of the
evidence.

My Lords, the prisoner at the bar, in the year 1780, brought a petition to the House of Commons complaining of that very Chief Justice, Sir Elijah Impey. The House of Commons, who then had some trust in me—as they have some trust still—did order me, along with persons more wise and judicious than I, several of whom stand near me, to make an inquiry into the state of the justice of that country. The consequence of that inquiry was, that we began to conceive a very bad opinion both of the complainant and defendant in that business ; that we found English justice, as we thought it to be and reported it to the House to be, a grievance instead of a redress to the people of India. I could bring to your Lordships, if I did not spare your patience, whole volumes of reports, whole bodies of evidence, tending to make that matter at least exceedingly doubtful in the very beginning ; and the progress we have made, in the course of eight or nine years, has brought to my mind such a conviction of that business as shall never be torn from my heart but with my life ; and I should have no heart that was fit to lodge any honest sentiment if I departed from my opinion upon that occasion. But, when I declare my own firm

opinion upon it—when I declare the reasons that led me to it—when I mention the long meditation that preceded forming a judgment upon it, the strict inquiry, the many hours and days of meditation, collation and comparison, indeed that opinion, which could be actuated by no malice to one party or the other, may be excused, when your Lordships consider, as far as you know me, as far as my public services for many years account for me, that I am a man of a slow, laborious, inquisitive, temper; that I do seldom leave a pursuit without leaving marks, perhaps of my weakness, but leaving marks of that labour; and in consequence of that labour I made that affirmation, and thought the nature of the cause obliged me to support and substantiate it. It is true that those who sent me here have sagacity to decide upon the subject in a week. They can in one week discover the errors of my labours for nine years.

5 MAY 1789.

Now I have made this apology to you and assure you you shall never hear me, either in my own name here, much less in the name of the Commons, urge one thing to you in support of the credit of Nundcomar grounded upon that judgment, until the House shall instruct and order me otherwise; because I know I ought to know nothing here, when I can discover their sentiments, but a strict and literal obedience to them.

My Lords, another thing might make me perhaps a little willing to be admitted to the proof of this, because of the very answer of Mr. Hastings to this charge, which the House of Commons, however, have adopted, and, therefore, in some degree purified:—

Mr. Hastings' charge of malice in imputing to him the prosecution of Nundcomar.

“To the malicious part of this charge, which is the condemnation of Nuncomar for a forgery, I do declare in the most solemn and unreserved manner that I had no concern either directly or indirectly in the apprehending, prosecuting, or condemnation of Nuncomar. He suffered for a crime of forgery which he had committed in a private trust that was delegated to him, and for which he had been prosecuted in the de-wanny courts of the country, before the institution of the Supreme Court of Judicature. To adduce this circumstance therefore as a confirmation of what was before suspicious, from his general depravity of character, is just as reasonable as to assert that the accusations of Empson and Dudley were confirmed because they suffered death for their atrocious acts.”

My Lords, this is Mr. Hastings' Defence before the House of Commons originally, and now in evidence before your Lordships, in which he supposes the charge that was made

5 MAY 1789. originally before the Commons, and which the Commons voted—though afterwards, for the convenience of shortening the affair, it was brought before your Lordships in the way in which it is—he supposes the whole to proceed from a malicious intention; and I hope your Lordships will not think, and I hope the Commons, reconsidering this matter, will not think that, when such a charge of malice was made for this corroborating argument, which was used in the House of Commons to prove his guilt, and which he attempted to repel, I should attempt to support the House of Commons against his charge of being malicious.

Defence of
Nundcomar
from
Mr. Hastings' charge
of forgery of
a letter.

I must observe where I am limited and where I am not. I am limited strictly, fully, and your Lordships and my country who hear me will judge how faithfully I shall adhere to that limitation, not to support the credit of Nundcomar against that part of the charge; but I am not at all limited from endeavouring to support his credit against Mr. Hastings' charge against him for other forgeries, and in showing you that which I hope to show you clearly in a few words, that Nundcomar cannot be guilty of forgery with more probability than Mr. Hastings is guilty of a light and dangerous—for I use no other words—of a light and dangerous charge of forgery, when it serves his purposes.

In this very case Mr. Hastings charges Nundcomar with two forgeries. The first is a forgery of a letter from Munny Begum, and the other is a forgery of a letter from the Nawab Veteran-ud-Dowla, the uncle of the Nawab of Bengal. These two forgeries, he says, appear to us upon our own records, and, therefore, he infers malice in those who impute anything improper to him, knowing that the proof stood so. He says:—

“There are facts recorded in the very proceedings which my accuser partially quotes, proving this man to have been guilty of a most *flagrant* forgery of a letter from Munny Begum and the Nabob Yetram ul Dowlah.”

Here he asserts that there are records before the House of Commons, on the Company's proceedings and consultations, proving Nundcomar to have been guilty of these two forgeries. Turn over the next page of his printed Defence, and you find a very extraordinary thing. You would have imagined that this forgery of a letter from Munny Begum, which he says is recognised and proved on the journals, was a forgery charged by Munny Begum herself, or by somebody on her part, or some person concerned in this business.

There is no other charge of it whatever, but the charge of ^{5 MAY 1780.} Warren Hastings himself. He wants you to discredit a man for forgery, upon no evidence under heaven but that of his own, who thinks proper, without any sort of authority, without any sort of reference, without any sort of collateral evidence, to charge a man with that very direct forgery. He says:—

“ I have been since informed by the Begum that the letter which bore her seal was a complete forgery, and that she was totally unacquainted with the use which had been made of her name till I informed her of it. Juggut Chund, Nuncomar's son-in-law, was sent to her, expressly to intreat her not to divulge it. Mr. Middleton, whom she consulted on the occasion, can attest the truth of this story.”

Mr. Middleton is dead, my Lords. This is not the Mr. Middleton whom your Lordships have heard and know well in this House, but a brother of that Mr. Middleton, who is since dead.

Your Lordships find, when we refer to the records of the Company for a proof of this forgery, that it is no other than the unsupported assertion of Mr. Hastings himself that he was guilty of it. Now that is bad enough, but then hear the rest. Mr. Hastings has charged this unhappy man, whom we must not defend, with forgery upon the other business. He has charged a forgery upon him of a letter of Yeteram-ud-Dowla to Mr. Hastings. Now you would imagine that he would at least have given his own authority for that assertion, which he says was proved. He goes on and says:—

Mr. Hastings' second charge against Nundcomar of forgery of a letter.

“ I have not yet had the curiosity to inquire of the Nabob Yeteram ul Dowlah, whether his letter was of the same stamp, but I cannot doubt it.”

Now, here he begins, in this very Defence which is before your Lordships, to charge a forgery upon the credit of Munny Begum, without supporting it even by his own testimony, and a forgery upon Yeteram-ud-Dowla, which he said he had not even the curiosity to inquire into, and yet he desires you at the same time to believe it to be proved. Good God! in what condition do men of the first character and situation in that country stand, when we have here delivered to us, as a record of the Company, Mr. Hastings' own assertion that a forgery was proved; when you have for the first nothing but his own unsupported assertion, and for the second not even that; for he says he had not the curiosity to inquire into it. I am not forbid by the Commons to state

5 MAY 1789. how and on what slight grounds Warren Hastings charges the natives of the country with forgery. Neither am I forbidden to bring forward the accusation which Mr. Hastings made against Nundoomar for a conspiracy, nor the event of it, nor any circumstance relative to it. The Commons never had the thing considered before them. The moment they have likewise cut off that resource, I shall go on with the rest in the best manner I can. There was a period among the revolutions of philosophy when there was an opinion that, if a man lost one limb or organ, the strength of that retired into what was left. My Lords, if we are straitened in this, then our vigour will be redoubled in the rest, and we shall use it with double force. If the top and point of the sword is cut off we shall take the hilt in our hands, and fight with that while there remains any weapon to fight against bribery, corruption and peculation; and we shall use double the vigour under any restraint which the wisdom of the Commons may lay upon us, or your Lordships' wisdom may oblige us to submit to.

Having gone through that business, showing where I am restrained, where I am not to repel Mr. Hastings' Defence, and where I am left at large to do it, I shall submit to the strict injunction with the utmost possible humility, and enjoy the liberty which is left to me with vigour, with propriety and discretion, I trust.

Resumption
of the
charge
against
Mr. Hastings.

My Lords, I had left off, when I opened this business before your Lordships, and when I was interrupted by this extraordinary parenthesis, which is long in this discourse, I remember I was beginning to open to your Lordships the second period of Mr. Hastings' scheme and system of bribery.

Extensive
system of
bribery.

My Lords, his bribery is so extensive and has had such a variety in it that it must not be distinguished only with regard to its kinds, but must be likewise distinguished according to the periods of bribery and the epochs of peculation committed by him. At this time, to which those accusations [refer] which we shall prove to your Lordships, I believe without the aids that we hoped for—your Lordships, I trust, allowing a good deal for our situation—we shall be able to prove that Mr. Hastings took as a bribe for appointing Munny Begum three lacs and a half of rupees. We shall prove that at the same period of time there were bribes received from the Raja of Rajeshaye. Mr. Hastings at that time followed bribery in a natural

manner. He took a bribe ; he took it as large as he could ; he concealed it as well as he could ; and he got out of it by artifice or boldness, by use of trick or use of power, just as he was enabled. He acted like a wild, natural, man, void of instruction, discipline and art. The second period opened another system of bribery. About this time, from what communication your Lordships may guess, he came to think of other means, which were that, when he could no longer conceal any bribe that he had received, he not only might exempt himself from the guilt and the punishment, but might convert it into a kind of merit, and make himself, instead of a breaker of laws—a violator of his trust—a receiver of scandalous bribes—a speculator of the first magnitude—to be considered as a great, distinguishing, eminent, financier—a collector of revenue in new and extraordinary ways ; and that we should at once praise his diligence, industry and ingenuity, upon that occasion. And the scheme he set on foot was this—that the Company could not exist upon principles of strict justice. He so expressed it. He then said that their affairs, in many cases, could not be so well accommodated by a regular revenue as by privately taking money and applying it to their service by the person who took it, at his discretion. This was the principle he laid down. It would hardly be believed, I imagine, unless strong proof appeared, that any man could be so daring as to hold up that resource to a regular government who had three millions of known, avowed—a great part of it territorial—revenue: but it is necessary to piece out that lion's skin with a fox's tail—to tack a little piece of bribery and speculation, to help out the resources of a great and flourishing kingdom—that they had, in the knavery of their servants, in the breach of their laws, and in the entire defiance of their covenants, a real resource, applicable to their necessities, upon the occasion of which they were not to judge but the persons who were to take the bribes ; and that those bribes, being taken as bribes—your Lordships will see it supported in evidence—by a private mental reservation, an intention unknown to the giver in the mind of the taker, some time or other, in some way or other, were to be applied to the public service ; that it was to become a justifiable act in consequence of that reservation in the mind of the person who took it ; and that he was not to be called to account for it in any other way than as he thought fit.

5 MAY 1789.

Second period of his bribery.

His scheme for acquiring revenue for the Company by privately taking moneys.

5 MAY 1789.

Act of Parliament prohibiting bribery.

My Lords, an Act of Parliament passed in the year 1773, the whole drift of which, I may say, was to prevent bribery, peculation and extortion, in the Company's servants; and the Act was penned, I think, with as much strictness and rigour as ever Act was penned; and it is this:—

"Be it further enacted, by the authority aforesaid, that from and after the 1st of August 1774, no person holding or exercising any civil or military office, under the Crown or the said United Company in the East Indies, shall accept, receive or take, directly or indirectly, by himself or any other person or persons on his behalf, or for his use or benefit, of and from any of the Indian princes or powers, or their ministers or agents, or any of the natives of Asia, any present, gift, donation, gratuity or reward, pecuniary or otherwise, upon any account, or on any pretence whatsoever; or any promise or engagement for any present, gift, donation, gratuity, or reward; and if any person, holding or exercising any such civil or military office, shall be guilty of any such offence, and shall be thereof legally convicted," &c. &c.

Then it imposes penalties.

Orders of the Directors to the same effect.

And your Lordships see, that human wisdom cannot pen an Act more strongly directed against taking bribes, upon any pretence whatever. This Act of Parliament was in affirmance of the covenant and the directions of the Company, which order the same thing. They forbid any person—

"By himself or by any other person or persons whomsoever in trust for him, or for his use, directly or indirectly, accept, take or receive, or agree to accept, take or receive, any gift or grant of lands, or rents, or revenues issuing out of lands, or any territorial possession, jurisdiction, dominion, power, or authority whatsoever, from any of the Indian princes, sovereigns, subadars, or nabobs, or any of their ministers, servants or agents, exceeding the value of 1,000 rupees, for any service or services performed or to be performed by the said Warren Hastings in India, or upon any other account or pretence whatsoever, without the like licence or consent of the said Court of Directors of the said United Company signified as aforesaid; nor any such reward, gratuity, allowance, donation or compensation, exceeding the value of 1,000 rupees and under the value of 1,000 rupees, without the licence or consent of the President and Council for the time being of the presidency or settlement where the said Warren Hastings shall be employed; and that he, the said Warren Hastings, shall and will convey, assign and make over, to the said United Company, for their sole and proper use and benefit, all and every such gifts or grants of lands, or rents, or revenues issuing out of lands, or any such territorial possession, jurisdiction, dominion, power, or authority whatsoever, and also account for and pay to the said United Company, for their sole and proper use and benefit, all and every such gifts, rewards, gratuities, allowances, donations, or compensations whatsoever."

The nature of the covenant, the Act of Parliament, and

* Extract from Covenant signed by Warren Hastings.—Printed in the Minutes of the Evidence" p. 95^a

the Company's orders, are clear. First, they have not hindered their Governor General nor any of their Governors from taking and accepting from the princes of the country, openly and publicly, for their use, any territories, lands, sums of money or other donations, which may be offered in consequence of treaty or otherwise. It was necessary to distinguish between the two species of acceptance, because many occasions occurred apparently in consequence of treaties, when fines were paid to the Company, that they should be received in the Company's treasury as an open and known proceeding. It was never dreamed of that that should justify the taking bribes, privately and clandestinely, of the person himself for future application. It is declared that they should be the property of the Company. Why? As a means of recovering them out of corrupt hands that had taken them; and, therefore, that was not a licence for bribery, but a prohibitory and penal clause, to make the means of coercing and making that provision stronger.

5 MAY 1780.
Clause
allowing
open receipt
of presents
for the Com-
pany's use
in certain
cases.

Abused by
Mr. Hast-
ings.

Now Mr. Hastings has found out that that very coercive clause, which was made in order for his superior to get at him and punish him for bribery, is a licence for him to receive bribes. He is not only a practitioner of bribery, but a professor—a doctor—upon the subject; and therefore his opinion is, that he should take bribes, contrary to the true intent and meaning of those presents—that is, bribes to himself; and that the penal clause which the Company attached to it, to have it constructively declared to be theirs in order to recover it out of his hands—he considers that prohibitory clause as a licence to receive bribes—to extort money—to go with the very prohibition in his hand, the very means by which he was to be restrained from exercising an unlimited bribery, peculation and extortion, over the unhappy natives of the country. Whether you consider this to become the property of the Company or not, undoubtedly it is contrary to the true intent and meaning of his covenant. The true intent and meaning of his covenant is, that he shall not take bribes for his own use. The means of preventing it is, by declaring them the property of the Company. How can the Company ever get them? Which way should they ever get at them? The moment Mr. Hastings finds that the Company has got a scent of any one of his bribes, then he comes forward and says:—"To be sure I took it as a bribe; I admit the party gave it me as a bribe. I concealed it for a time, because I thought it was for the interest

Argument
on the mean-
ing of the
covenant.

5 MAY 1780. of the Company to conceal it; but I had a secret intention in my own mind of applying it to their service. You shall have it, but you shall have it as I please and when I please, and this bribe becomes sanctified the moment I think fit to apply it to your service."

Now can it be supposed that the India Company or that the Act of Parliament meant to make a declaration that the property taken by a corrupt servant, contrary to the true intent of his covenants, should become a licence for him; and that the manner in which they are to get a revenue was to be a breach of the very covenants, which were meant to prevent extortion, peculation and corruption? What sort of body is the India Company which, becoming upon the verge of bankruptcy by the robbery of half the world, is afterwards to be recruited by the alms of peculation and bribery, by their own servants breaking the covenants imposed upon them? It is an odd body to be so fed and supplied.

The constitution of revenue that he has made is a very singular thing. It is a revenue to be taken by any officer of the Company—for they are all alike forbidden and all alike permitted—to be taken by any person from any person, at any time, in any proportion, by any means, and in any way he pleases, and to be accounted for or not to be accounted for at the pleasure of the taker; and if it is applied, to be applied at his discretion, and not at the discretion of his employers. I will venture to say that such a system of revenue never was before thought of.

Fraudulent
system of
accounts.

The next part is an exchequer that he has formed corresponding with it. He has formed an exchequer, made out of the Company's servants; and you will see it exemplified fully and proved before you, that this exchequer is made up of officers ostensibly in the Company's service, who, while they kept a public accountant and public treasurer, are used by Mr. Hastings as an accountant and treasurer of bribes, accountable not to the Company but to him, acting in no public manner, and never acting but upon his requisition; concealing all his frauds and artifices to prevent detection and discovery. In short, it is an exchequer in which extortion is the assessor—in which fraud is the treasurer—confusion the accountant—oblivion the remembrancer! These are not mere words; but, as I go through the detail, I will exemplify them practically, and show in fact that every one of these things I state are the truth. Your Lordships will see too that these men are bound by the condition of their fidelity

to Mr. Hastings—or recognised fidelity—to keep back his secrets—to change the accounts—to alter the items—to make him debtor or creditor at pleasure; and by that means to throw the whole system of the Company's accounts into confusion. 5 MAY 1789.

I have stated that it is absolutely impossible that any such revenue should be intended, much less that it should be brought out and drawn from the very prohibitions to bribery; that out of those very prohibitions an exchequer of bribery should be formed upon the principles I have stated: that you will not dishonour this legislature; that, be the Company what it will, you can never imagine the Company to give any sanction to it; that no such device ever entered into the head of any rational man. Then you are to judge whether it is not a device to cover guilt—to prevent detection, ruining and destroying it. And, at the same time, your Lordships will judge whether the evidence we bring you, to prove that it is an idle pretext, be stronger than the strange, absurd, reasons which he has produced for forming this new plan of an exchequer of bribery.

My Lords, I am now going to read to you a letter, in which Mr. Hastings declares his opinion upon the operation of the Act which he now has found the means, as he thinks, of evading. My Lords, I tell you, to save you a good deal of reading, that there was a certain prize money given by Suja-ud-Dowla to a body of the Company's troops serving in the field; that this prize money was to be distributed among them. But, application being made to Mr. Hastings for his opinion and sanction in the distribution, Mr. Hastings at first seemed inclined to give way to it, but afterwards, upon reading and considering the Act of Parliament, before he allowed the soldiery this public donation, he describes his opinion of the operation of the Act:—

Letter of Mr. Hastings, declaring the stringency of the Act in regard to a donation to the troops.

“ Dear Sir,—I received your favour of the 8th inst. on the 27th, as I was on the point of despatching letters which I had already written and closed to the Vizier, the Resident and yourself, on the subject of the Vizier's intentions communicated to me by Mr. Nath. Middleton to reward the services of the brigade in the manner in which your letter informs me he has since carried it into execution. Your letter placing the subject in a new point of view determined me to suspend my despatches until I had taken the sense of the members of the committee upon their contents; by their advice, I now forward to you the letter which I had before prepared, and I am authorized by Messrs. Aldersey and Dacres to declare that they concur with me in the sentiments therein expressed. Your letter I have laid before them in select committee, and it was agreed to refer it to the Council at large, as we did not think ourselves, as a

5 May 1774, committee, authorized to give our assent to the donation, the mode of it not being strictly conformable to the past resolutions of the Board, nor considered in respect to the time to the order of the Court of Directors: it was accordingly referred, and the Board readily consented to give their sanction to the Vizier's donation and to empower the troops to receive it. But they could not help disapproving of the manner in which this transaction had been conducted, for the following reasons: because it was more the appearance of a stipulation made for future services than a return of gratitude for past; because, by the declaration of the Vizier, which proved sufficient refusal on my part and by your own publication of his intention to the army, notwithstanding the reserve admitted of the same by Government, the government is in effect precluded from deciding upon it, and because in both these points of view the donation is repugnant to the sense of the Court of Directors in the order above alluded to.* In this manner the Board had formed their determination, but it did not then occur to us to consult the new Act of Parliament, a surmise on this subject was only suggested before we broke up. Upon a reference, however, to it, I was much disappointed and sorry to find that our intentions were entirely defeated by a clause in the Act (to be in force after the 1st of August 1774) which deprives and divests us of the power to grant and expressly prohibits the army to receive the Nabob's intended donation. I enclosed a copy of this clause, although I make no doubt of your having received the Act from your correspondents. Agreeable to the positive sense of this clause, notwithstanding it is expressed individually, there is no doubt but the army is included with all other persons in the prohibition to or receiving presents or donations, a confirmation of which is that in the clause of exceptions, wherein "councillors at law, physicians, surgeons, and chaplains are permitted to receive the fees annexed to their profession," no mention whatever is made of any latitude given to the army, or any circumstances wherein it would be allowable for them to receive presents. This point it seems was particularly debated in the House, Lord Clive stated the cases wherein he thought it would be proper and necessary to allow the army to receive gratuities or presents, but his reasoning was overruled and no exception admitted in favour of the army. This unlucky discovery of an exclusion by Act of Parliament, which admits of no abatement or evasion wherever its authority extends, renders a revival of our proceedings necessary, and leaves no option to our decision: it is not like the ordinances of the court of Directors where a favourable construction may be put, and some room is left for the late position of the authority vested in ourselves; but positive and decisive, admitting neither of refinement nor misconstruction. I should be happy if in this instance a method could be devised of setting the act aside, which I should most willingly embrace; but in my opinion an opposition would be to incur the penalty.²

Your Lordships see, Mr. Hastings considered this Act to be a most unlucky discovery. Indeed, as long as it remained in force, it would have been unlucky for him, because it would have destroyed one of the principal sources of his illegal profits. Why does he consider it unlucky? Because

* Extract of a letter from Mr. Hastings to Col. Champion, 31 August, 1774.

² Printed in the "Minutes of the Evidence," &c. p. 970.

it admits of no reservation—no exception—no refinement whatever; but it is clear, positive, decisive. Then in what case was it that Mr. Hastings made this determination? In the case of a donation publicly offered to an army serving in the field, by a prince then independent of the Company. Now, if ever there was a circumstance in which any refinement, any favourable construction of the Act, could be used, it was in favour of a body of men serving in the field, fighting for their country, spilling their blood for it, suffering all the inconveniences of that climate. It was undoubtedly voluntarily offered to them by the party, in the height of victory, and enriched by the plunder of whole provinces. I believe your Lordships will agree with me that, if any relaxation, any evasion, of an Act of Parliament could be used at the instant—if they could for a moment trifle with the intention of the legislature, or make it for a moment doubtful whether the case came within the intention of the legislature—it was this. And yet, upon the rigour of the Act, Mr. Hastings refuses that army the price of their blood, won solely almost by their arms from a prince who had acquired millions by their bravery, fidelity and suffering. This was the case in which Mr. Hastings refused a public donation to the army; and from that day to this they have never received it.

5 MAY 1780.
The particular case justified a favourable construction of the Act.

If this public donation was so forbidden, how comes it that Mr. Hastings has since learned that he may privately take money—and take it, not only from princes and persons in power and abounding [in wealth], but, as we shall prove, from persons in the last degree of penury and distress; that he could take it from persons in office and trust, with power over the people, with a means of ruining them for the purpose of enabling them to pay it? Consider in what situation the Company must be, if he can form such a secret exchequer, discovered by himself for their service, by direct bribes, given *eo nomine* as bribes, and accepted as such from the persons in the transaction, with only the inward reservation that I speak of. In the first place, if Mr. Hastings should die, or if any body should imitate his example without his heroic good intentions in doing such villanous acts—if any person hereafter, or any person following his example, should come into such a situation—how is the Company to recover it? The receivers need not divulge it till they think fit; and, the moment an informer comes, that informer is ruined. A person comes

Money taken by Mr. Hastings himself, under pretence of applying it to the Company's use.

Danger of the system.

Difficulty of detecting the transaction.

5 MAY 1789. to the Governor General and Council and charges—say not Mr. Hastings, but the head of the board of revenue, with receiving a bribe,—“Receive a bribe? So I did: but it was with an intention of applying it to the Company’s service.” “There I nick the informer: I am beforehand with him: I will ruin the fellow, because it is sanctified by my inward jesuitical intention—and, which is a merit for the Company, I received 40,000*l.* as a bribe. There it is for you. I am acquitted. I am a meritorious servant. Let the informer go and seek right as he can.” If an informer is once instructed that a person who receives bribes can turn them into merit and take away his action from him, do you think that you ever will or can discover any one bribe? By this method disclose but one bribe, and you secure all the rest that you possibly can receive upon any occasion. “It is said strong report prevails that you took such a bribe?” “Aye, I did take a sum of money but not that sum of money. I took 40,000*l.* but not that 40,000*l.*” So that, by stating that you have taken some money which you have accounted for, but concealing who that money came from, which is exactly Mr. Hastings’ case, if any informer comes and discovers a bribe of 40,000*l.*—it may be said—“Lord! this is the 40,000*l.* I told you of.” If it is broken into fragments—paid by instalments—“Lord! this is what I told you of, and you have taken it and put it into your own coffers.”

Memoirs of
corruption

Impossibility of re-
covering the
money, when
received by
an agent.

Suppose it through the hand of an agent, such as Gunga Govind Sing. Gunga Govind Sing falls in debt: and we have discovered lately that, of a 40,000*l.* which Mr. Hastings received by one bribe agent, his bribe agent kept back half: I desire to know what the Company can do in such a case. Gunga Govind Sing has entered into no covenants with the Company. There is no trace of his having this money, except what Mr. Hastings chooses to tell. If he is called upon to refund it to the Company, he may say he never received it; that he was not ordered to extort money from the people; and he may set up this defence—“I did not receive this money, for I was forbid to receive it, and I will not make a declaration which will subject me to penalties,”—or he may say, in India, before the Supreme Court—“I have paid it all to Mr. Hastings.”—And then there must be a bill there and a bill here, and by that means, having one person on one side the water and the other on the other, they may never come to a discovery of it.

And this is the way with one of his great agents, which I shall show in evidence and touch upon in the course of my speech. 5 MAY 1789.

Mr. Hastings had squeezed out of a miserable country a bribe of 40,000*l.*, of which he was enabled to bring to the account of the Company only 20,000*l.*, and which we should not even have known of the existence of, if the inquiries pursued with great diligence by the House of Commons had not extorted it; and, even now we know the fact, we can never get at the money—the Company can never receive it; and, before the House had squeezed out of him that some such money had been received, he never once told the court of Directors that his black bribe agent, whom he recommended to their service, had cheated both them and him of 20,000*l.* out of the fund of the bribe revenue. If it is asked, where is the record of this?—record there is none. In what office is it entered? It is entered in no office; it is mentioned as privately received for the Company's benefit; and you shall see what a charming office of receipt and account this new exchequer of Mr. Hastings is.

Case of
20,000*l.* kept
back by
Gunga
Govind Sing.

Now there is another and a more serious circumstance. Every one knows that, by the law of this or any country, any money which is taken illegally from any person—which any bribe or sum of money extorted is—money paid without consideration—belongs to the person who paid it, and he may bring his action for it and recover it. Then see how the Company stand. The Company receive a bribe of 40,000*l.* by Mr. Hastings. It is carried to their account. They turn bribery into a revenue: they sanctify it. In the meantime, the man from whom this money is illegally taken sues Mr. Hastings. Must not he recover of Mr. Hastings? Then, if so, must not Mr. Hastings recover again from the Company? The Company undoubtedly are answerable for it. And here is a revenue which every man who has paid it may drag out of the treasury again and put to his own proper use. I have a case in my eye in which this very thing is attempting at this moment, but which, whether it is or not the thing, stands directly on the same ground. Mr. Hastings' donations of his bribes to the treasury are liable to be torn from it at pleasure by every man who gives them, first from him who receives them, and then he may recover them from the treasury to which he has given them.

Power in the
offerer of
the bribe to
recover his
money.

I am to state to your Lordships another circumstance—that, if bribes can be sanctified by turning them to the use

Engagement
of the Com-
pany to

5 MAY 1780.

restore
money im-
properly
taken.

of the Company, the Company in such a case, if the money has been applied, has covenanted itself that money taken extorsively, as Mr. Hastings has covenanted, shall belong to the Company—but for what end and purpose? It is to award satisfaction and reparation to be made by the said Warren Hastings to the said Company. For whom? For the Company's benefit? No; for the benefit of such injured persons—to be carried to their account—

“ But in trust nevertheless, and to the intent that the said Company may and do render and pay over the money received or recovered by them to the parties injured or defrauded, which the said Company accordingly hereby agree and covenant to do.” *

Now, here is a revenue to be received by Mr. Hastings for the Company's use, applied at his discretion to that use, and which the Company has previously covenanted to restore to the persons that are injured and damaged by them. This is a revenue which is to be torn away by the action of any person—a revenue which they must return back to the person complaining, as they in justice ought to do; for no nation ever avowed making a revenue out of bribery and speculation. They are to restore it back again. How can they restore it? Mr. Hastings has applied it; he has given it in presents to princes—laid it out in budgerows—in pen, ink and wax—in salaries to secretaries: he has laid it out just in any way he pleased, and the India Company, who have covenanted to restore all this money to the persons from whom it came, are deprived of all means of so just a duty. Therefore, I put by the idea that any man could have a good intention in his mind. It is too weak, senseless and absurd. Only in a desperate cause he made a desperate attempt, when he knew he was discovered in these bribes—for we shall prove that he never made a disclosure without thinking that a discovery had been previously made or was likely to be made—and that that discovery was attended with all the circumstances of a wicked and abominable concealment.

You will see the history of this new scheme of bribery, by which Mr. Hastings contrived by avowing some bribes to cover others, and to attempt to outface his delinquency, and to endeavour, if possible, to reconcile the weakest breach of the laws with a sort of spirited observance of them, and to

* Extract from covenant signed by Warren Hastings.—Printed in the 13th vol. of “the Evidence” p. 960

become infamous for the good of his country. The first appearance of this practice of bribery was in a letter of the 29th of November, 1780. The cause of this discovery was a dispute between him and Mr. Francis, at the Board, on occasion of a very handsome offer made by Mr. Hastings to the Board, relative to a measure he proposed, to which he found one of the objections to be the money that it would cost. He made the most generous and handsome offer, as it stands upon the record, that any man ever did—namely, that he would defray the expense out of his own private cash, stating that he had deposited with the treasurer two lacs of rupees. This was on the 26th of June, 1780, and Mr. Francis soon after came to Europe. I need not inform your Lordships that Mr. Hastings had been charged with bribery and peculation by General Clavering, Colonel Monson and Mr. Francis, and that he did suspect that Mr. Francis, then going to Europe, would charge him with something, from the suspicious nature and circumstances of this generous offer, and from some private connection which he supposed and which we can prove he thought Mr. Francis had with Cheyt Sing—that he might discover and bring this bribe to light, some way or other; and therefore he resolved to anticipate such information as he thought would be given, by declaring afterwards, upon the 29th of November, that this money was not his. I will mention to your Lordships hereafter the circumstances of this money. He says:—

5 MAY 1789.
Attempted concealment of a bribe received from Cheyt Sing.

His offer of an advance of two lacs of his own money.

Subsequent avowal, from apprehension of discovery, that the money belonged to the Company.

“My present reason for adverting to my conduct”—“that is his offer of two lacs of rupees out of his own private cash for the Company’s service, upon the 26th of June, 1780—“on the occasion which I have mentioned, is to obviate the false conclusions or purposed misrepresentations which may be made of it, either as an artifice of ostentation or as the effect of corrupt influence, by assuring you that the money, by whatever means it come into your possession, was not my own, that I had myself no right to it, nor would or could have received it, but for the occasion which prompted me to avail myself of the accidental means which were at the instant afforded me of accepting and converting it to the property and use of the Company, and with this brief apology I shall dismiss the subject.”*

My Lords, you see what an account Mr. Hastings has given of some obscure transaction, by which he contradicts the record; for, on the 26th of June, he generously, nobly,

* Letter of Mr. Hastings to the Court of Directors, dated 29th November, 1780.—Printed in the “Minutes of the Evidence,” p. 1103.

3 MAY 1759. full of enthusiasm for their service, offers to the Company money of his own. On the 29th of November, he tells the court of Directors that the money he offered on that day was not his own; that his assertion was totally false; that the money was not his; that he had no right to receive it; and that he would not have received it, but for the occasion which prompted him to avail himself of the accidental means which at that instant offered.

His concealment of the source of receipt of the money.

Now, when this came to the Company, they first consider the situation of an officer of India acting as an accountant—and all matters are matter of account with them. On the 26th of June, he offers a large sum of his own, to be applied to their occasions. On the 29th of November, he says this sum is not his own; but he never tells them by what means he came at it—the person from whom he received it—the occasion upon which he received it, whether justifiable or no, or any one circumstance under heaven relative to it: and, therefore, he set the Company blindly groping in the dark. by the very pretended light, the *iguis fatuus*, which he held out to them, saying—"I have taken money. I will not tell you by what means I came by it. It was not my own. I had no right to it; and I would not have taken it, if I had not been greatly tempted by the occasion." This is a very extraordinary account to give to the public of a sum, which we find to be somewhat above 20,000*l.*, taken by Mr. Hastings in some way or other, that for that time was all in the dark and in a cloud; and this is what Mr. Hastings calls information communicated to the Company on the subject of these bribes. This account is obscure; but you have heard of obscurity illustrated by a further obscurity. He continues, "Something of affinity to this anecdote may appear in the first aspect of another transaction which I shall proceed to relate, and of which it is more immediately my duty to inform you." He then tells them that he had contrived to give a sum of money to the Raja of Berar; and the account he gives of that proceeding is this :—

His reference to a sum of money given to the Raja of Berar.

"We had neither money to spare, [nor, in the apparent state of that Government in its relation to ours, would it have been either prudent or consistent with our public credit to have afforded it. It was, nevertheless, my decided opinion that some aid should be given, not less as a necessary relief than as an indication of confidence, and a return for the many instances of substantial kindnesses which we had within the course of the two last years experienced from the Government of Berar. I had an assurance that such a proposal would receive the acquiescence of the

Board, but I knew that it would not pass without opposition, and it ⁵ MAY 1789, would have become public, which might have defeated its purpose. Convinced of the necessity of the expedient, and assured of the sincerity of the government of Berar, from evidences of stronger proof to me than I could make them appear to the other members of the Board, I resolved to adopt it, and take the entire responsibility of it upon myself. In this mode a less considerable sum would suffice. I accordingly caused three lacs of rupees to be delivered to the minister of the Rajah of Berar, resident in Calcutta. He has transmitted it to Cultac. Two thirds of this sum I have raised by my own credit, and shall charge it in my official accounts. The other third I have supplied from the cash in my hands belonging] to the honourable Company."

Your Lordships see in this business another mode which he has of accounting with the Company and informing them of his bribes. He begins it first by saying that it has something of affinity to this anecdote—meaning his first account. An anecdote is a head of account that I believe none of your Lordships ever have heard of, and I believe is yet to be learned in this commercial nation and this nation of accurate official account. The first account he gives of it is an anecdote; and what is the second? A relation of an anecdote; not a near relation but something of affinity—a remote relation—cousin three or four times removed—of the half blood, or something of that kind, to this anecdote; and he never tells you any circumstance of it whatever, of any kind, but that it has some affinity to the former anecdote.

But, my Lords, the thing which comes to some degree of clearness is this—that he did give money to the Raja of Berar: and your Lordships will be so good as to advert carefully to the proportions: he did give him two lacs of rupees of money, raised by his own credit—his own money; and the third he advanced to him of the Company's money in his hands. He might have taken the Company's money undoubtedly, fairly, openly, for a hundred purposes; and, therefore, he does not say that even that third was money he had obtained by bribery and corruption. No such thing. It is money of the Company's he had in his hand. So that you must get through a long train of construction before you ascertain that this is what it turns out to be—a bribe, which he retained for the Company. He is still generous. As he offered the whole of his first bribe as his own, and afterwards discovered that no part of it was his own, so he is now generous again in this letter, in which he says he was not generous nor just, for that he took the money without right, and that he did not apply it to the very

Two thirds of the money given his own, and one third the Company's.

8 MAY 1780. service for which it was pretended. He now tells you of another anecdote, which he says has an affinity to that anecdote ; and now he is generous again. First he was generous and just because he gave his own money, which he had a right to dispose of. Then he tells you he is neither generous nor just, for he had taken money he had no right to, and did not apply it to the service which he pretended to apply it to. And now he is generous again, because he gives two lacs of his own money ; and just, because he gives one lac which belonged to the Company ; but there is not an idea that he took it from any body.

His subsequent claim of the whole money, and bonds taken for it.

In this letter he tells you he had given two thirds his own money and one third the Company's money. So it stood upon the 29th of November, 1780. On the 5th of January following we see the business take a totally different turn: and then Mr. Hastings calls for three Company's bonds upon two different securities, antedated to the 1st and 2nd of October, for the three lacs, which he before told them was two thirds his own money, and one third the Company's. He now declares the whole of it to be his own, and he applies by letter to the Board, of which he himself was a majority :—

" Honourable Sir and Sirs,—Having had occasion to disburse the sum of three lacs of sicca rupces on account of secret services, which having been advanced from my own private cash, I request that the same may be repaid to me in the following manner—a bond to be granted me upon the terms of the second loan, bearing date from 1st October, for one lack of rupces. A bond to be granted me upon the terms of the first loan, bearing date from 1st October for one lack of sicca rupces."

On the 29th of November he had advanced two thirds of his own to the Company, and employed one third of theirs. On the 5th of January the thing totally changes : all the money is his own and he takes three bonds of the Company. Here are two accounts, one of which must be directly and flatly false ; for he could not have given, in one case, two thirds his own and have supplied the other third from money of the Company's, and at the same time have employed the whole as his own. And he goes the full length of the fraud ; he declares that it is all his own—so much his own that he does not trust the Company with it, and actually

* Letter of Mr. Hastings to the Court of Directors, dated 5th January, 1781. Printed in the " Minutes of the Evidence " v. 1105.

takes their bonds as a security for it, bearing an interest, to 5 MAY 1789.
be paid to him when he thinks proper.

Thus it remained from the 5th of January till [the 16th December] 1782, when this business takes another turn, and, in a letter to the Company, these bonds become all their own; all the money advanced is now all of it the Company's money. First, he says two thirds were his own; next that the whole is his own; and the third account is that the whole is the Company's, and he will account to them for it.

In a third account it is represented as the Company's money.

Now, he has accompanied this account with another very curious one: for, when you come to look into the particulars of it, you will find there are three bonds declared to be the Company's bonds, and which refer to the former transaction—namely, the money for which he had taken the bonds. But, when you come to look at the number of them, you will find that one of the three bonds, which he had taken as his own, disappears, and another bond, of another date and for a much larger sum, is substituted in the place of it, of which he had never mentioned any thing whatever. So that, take his first account—that two-thirds is his own money; then that it is all his own; in the third, that it is all the Company's money; and by a fourth account, in a paper describing the three bonds, you will find that there is one lac which he does not account for, but substitutes in the place a bond before taken as his own. He sinks and suppresses that. He gives two of these bonds to the Company, and, to supply the want of the third which he suppresses, he brings forward a bond for another sum, of another date, which he had never mentioned before. Then here you have four different accounts. If any one of them is true, every one of the other three is totally false. Such a system of cogging—such a system of fraud—such a system of prevarication—such a system of falsehood—never was, I believe, known before in the world.

Further fraudulent account respecting the bonds.

In the first place, why did he take bonds at all from the Company for the money that was their own. I must be cautious how I charge a legal crime—I will not charge it to be forgery, to take a bond from the Company for money which was their own. He was employed to make out bonds for the Company—to raise money on their credit. He pretends he lent them a sum of money which was not his to lend; but he gives their own money to them as his own and takes a security for it. I will not say that it is a forgery,

3 MAY 1789. but I am sure it is an offence as grievous, because it is a cheating as much as a forgery could be—with this addition to it, that the person is in a trust. He violates that trust; and, in so doing, he cheats, defrauds and falsifies, the whole system of the Company's accounts.

His explanation of these contradictions.

Present from the Nawab of 100,000*l*.

I have only to show what his own explanation upon all those actions was, because it supersedes all observations of mine. Hear what prevaricating guilt says for the falsehood and delusion which had been used to cover it; and see how he plunges deeper and deeper upon every occasion. At this time, good fortune—as good things seldom come alone—fortune is kind to him, and, when he went up and had nearly ruined the Company's affairs in Oude and Benares, he received a present of 100,000*l*., or thereabouts. He received bills for it in September, 1781, and he gives the Company an account of it in January, 1782. I shall remark by what means this account was given, and the purposes for which he intends to apply it. He says in this letter,—

His announcement of it to the Directors.

“While the Nabob Vizier was at Chunar, an offer of a very considerable sum of money was made to me both on his part and that of his ministers, as a present. I accepted it without hesitation and gladly, being entirely destitute both of means and credit, whether for your service or the relief of my own necessities.”

He asks a donation of it from the Directors.

My Lords, upon that you shall hear a comment made by some abler persons than I. This donation was not made in specie but in bills upon the house of Gopal Doss, who was then a prisoner in the hands of Cheyt Sing. After mentioning this, which he said he took for the Company and for their exigencies, and partly for his own necessities, and in consequence of their distress, he desires the Company, in the moment of that greatest distress, to award it to him, and therefore he ends,—

“If you should adjudge the deposit to me, I shall consider it as the most honourable approbation and reward of my labours; and I wish to owe my fortune to your bounty. I am now in the fiftieth year of my life. I have passed thirty-one years in the service of the Company, and the greatest part of that time in employments of the highest trust. My conscience allows me boldly to claim the merit of zeal and integrity, nor has fortune been unpropitious to their exertions. To these qualities I bound my pretensions. I shall not repine if you shall deem otherwise of my services, nor ought your decision, however it may disappoint my hope of a retreat adequate to the consequence and elevation of the office which I now possess, to lessen my gratitude for having been so long permitted to hold it, since it has at least enabled me to lay up a provision with which I can be contented in a more humble station.”*

* Printed in the “Mirror of the Evidence,” p. 1112.

Incidentally your Lordships will observe, respecting this letter and this present, which he took for himself and wanted the Directors to apply to himself, the circumstances of his condition of life and his fortune, to which he appeals and for which he desires this money. In 1773, your Lordships remember that he had said, and that I stated to you from himself—that, if he held his then office for a very few years, he should be enabled to lay by an ample provision for his retreat. About ten years after that time, namely, in the month of January, 1782, he finds himself rather pinched with want, but, however, not in so bad a way but that the holding of that office had enabled him to lay up a provision, with which he could be contented in a more humble station. He wishes to have affluence; he wishes to have dignity; he wishes to have consequence and rank; but he allows that he has competence. Your Lordships will see afterwards how miserably disappointed we are in this hope; for the court of Directors, receiving this letter from Mr. Hastings, did declare that they could not give it to him, because the Act had ordered that “no fees of office, perquisites, emoluments or advantages, whatever, should be accepted, received or taken, by such Governor General and Council, or any of them, in any manner or on any account or pretence whatsoever.”

Refusal of
the request
by the
Directors.

“And as the same Act further directs ‘That no Governor General or any of the Council, shall directly or indirectly accept, receive or take, of or from any person or persons, in any manner, or on any account whatever, any present, gift, donation, gratuity or reward, pecuniary or otherwise, or any promise or engagement for any present, gift, donation, gratuity or reward,’—we cannot, were we so inclined, decree the amount of this present to the Governor General, and as it is further enacted—‘That any such present, gift, gratuity, donation, or reward, accepted, taken, or received, shall be deemed and construed to have been received to and for the sole use of the Company.’”*

Therefore, they were resolved, most unjustly and most wickedly, to keep it to themselves. The Act made it the property of the Proprietors, and they would not give it him. And one should think this, with his own former construction of the Act, would have made him cautious of taking bribes. You will see what weight it had with him, to stop the course of bribes which he was in such a career of taking, in every place and with both his hands.

Your Lordships have now before you this 100,000*l.*, dis-

* Extract from letter of the Directors to Mr. Hastings, dated 15th January, 1783.—Printed in the “Minutes of the Evidence,” p. 559.

5 MAY 1789. covered upon the 20th of January. You find mystery and concealment in every one of Mr. Hastings' discoveries; and, which is a curious part, this letter was not sent to the court of Directors in their packet, regularly, but transmitted by Major Fairfax, one of his agents, to Major Scott, another of his agents, to be delivered to the Company. Why? Your Lordships will judge whether from that circuitous mode he did not leave some discretion in his agent to divulge it. We are told he did not; but your Lordships will believe that or not according to the discovery of the fact. The regular way, if he was anxious to discover this to the Directors, would have been, to send it to the Directors immediately in the packet; but he sent it in a box to an agent, and that agent, upon due discretion, conveyed it to the court of Directors. And here he tells you nothing about the persons from whom he received it. The first account of the first sum told them that he had taken a sum which he had no right to take; but he did not mention the person. This account tells you he had taken a third sum which he had no right to take but did take; he never tells you from whom he received that, nor the channel through which he received it.

Mr. Hastings' letter, acknowledging the present sent to the Directors by an agent.

His concealment of the persons from whom the presents were received.

Delay in giving an account of the present to the Directors.

On the 5th of February following this Patna letter, he came down to Calcutta with a mind agitated; all his hope of robbing Benares had totally failed. The produce from robbing the Begums, in the manner your Lordships have heard, was all dissipated to pay the arrears of the armies. There was no fund produced. He felt himself agitated—full of dread—knowing that his place had been threatened to be taken away from him several times; that he should be called home to render an account. He had heard that inquiries had begun in a menacing form in Parliament, and, though at that time Bengal was not struck at, there was a charge of bribery and speculation brought against the Governor of Madras.* With this dread—with a mind full of anxiety and perturbation—he writes a letter, as he pretends, on the 22d of May, 1782. Your Lordships will remark that he came down to Calcutta from his expedition in February; that he did not till the 22d of May give any account whatever of these transactions; and that this letter or pretended

* The Secret Committee to inquire into the causes of the war in the Carnatic was appointed on the 30th of April, 1781. Resolutions censuring Sir Thomas Rumbold, President of Madras, were voted by the House of Commons, 9th April, 1782.

letter of the 22d of May was not sent till the 16th of 5 MAY 1789.
 December following. We shall clearly prove that he had
 abundant means of sending—and that by various ways—
 before the 16th of December, 1782, in which he incloses his
 letter of the 22d of May, 1782. These are new disco-
 veries. They are like many new discovered lands, exceed-
 ingly inhospitable, very thinly inhabited, and producing
 nothing to gratify the curiosity of the human mind. This is
 the letter of discovery. Here was the letter by which his
 breast was to be laid open to his employers, and all the ob-
 scurity of his transactions to be elucidated. It is addressed
 to the honourable the court of Directors ; dated Fort
 William, 22d May, 1782. He told them he had promised to
 account for the ten lacs of rupees, which he had received,
 and this promise he says he now performs; and he takes that
 opportunity of saying that he can account with them like-
 wise for several other sums which he had taken at the same
 time. Mention made by him of other sums received.

“This promise I now perform, and deeming it consistent with the
 spirit of it, I have added such other sums as have been occasionally
 converted to the Company's property through my means, and in conse-
 quence of the like original destination. Of the second of these you
 have been already advised in a letter which I had the honour to address
 the honourable court of Directors, dated 29th of November, 1780.
 Both this and the third article were paid immediately to the treasury, by
 my order to the sub-treasurer to receive them on the Company's account,
 but never passed through my hands. The three sums for which bonds
 were granted were in like manner paid to the Company's treasury, without
 passing through my hands, but their approbation was not specified.
 The sum of 50,000 current rupees was received while I was on my
 journey to Benares, and applied as expressed in the account. As to the
 manner in which these sums have been expended, the reference which I
 have made of it in the accompanying account to the several accounts in
 which they are credited, renders any other specification of it unnecessary,
 besides that those accounts either have or will have received a much
 stronger authentication than any I could give to mine.”

I wish your Lordships to attend to this paragraph, because
 it will explain why he took bribes at all; why he took bonds
 for some of them, as if moneys of his own and not moneys of
 the Company; why he took bonds for these; why he entered
 some upon the Company's accounts, and why of the others
 he renders no account at all. Here he gives an account,
 and light will beam upon you as we proceed:—

“Why these sums were taken by me, why they were, except the
 second, quietly transferred to the Company's use; why bonds were
 taken for the first and not for the rest, might, were this matter to be
 exposed to the view of the public, furnish a variety of conjectures to
 which it would be of little use to reply. Were the honourable court to

5 MAY 1789. question me upon these points, I would answer that the sums were taken for the Company's benefit, at times in which the Company very much needed them; that I either chose to conceal the first receipts from public curiosity by receiving bonds for the amount, or possibly acted without any studied design, which my memory could at this distance of time verify, and that I did not think it worth my care to observe the same means with the rest. I trust, honourable Sirs, to your breasts for a candid interpretation of my actions, and assume the freedom to add that I think myself on such a subject, on such an occasion, entitled to it.*

He states himself unable to explain why he took the several sums.

Nor why bonds were taken for some and not for others.

Lofty, my Lords! You see that, after the Directors had expected an explanation for so long a time, he says—"Why these sums were taken by me, why they were, except the second, quietly transferred to the Company's use, why bonds were taken for the first and not for the rest, I cannot tell. If this matter were exposed to view it would furnish a variety of conjectures. Here is an account which is to explain the most obscure, the most mysterious, the most evidently false and fraudulent, account of his transactions, and when asked how he came to take these bonds—how he came to use these frauds—he tells you he really does not know; that he might have this motive for it, he might have another motive for it: he wished to conceal it from public curiosity; but, which is the most extraordinary, he is not quite sure that he had any motive for it at all which his memory can trace.

The whole of this is a period of a year and a half; and here is a man who keeps his account upon principles of whim and vagary. One would imagine he was guessing for some motive of a stranger. He does not know why he came to take bonds for money not due to him, and why he enters some and not others: he knows nothing of these things. He begs them not to ask about it, because it will be of no use. "Your foolish court of Directors may conjecture and conjecture on. You are asking me why I took bonds to myself for money of yours—why I have cheated you—why I have falsified my account in such a manner—I will not tell you." The satisfaction he gives them is without mentioning the persons, the times, the occasions or motives, for any of his actions. He adds—"and that I did not think it worth my care to observe the same means with the rest." For some purposes he thought it necessary to use the most complicated and artful conceal-

* Letter of Mr. Hastings to the Secret Committee of the court of Directors, dated 22nd May, 1789. Printed as above, p. 1114

ments; for some he could not tell what his motives were ; ^{5 MAY 1789.} and for others, that it was mere carelessness. Here is the exchequer of bribery ! Have I falsified any part of my original stating of it ? An exchequer in which the man who ought to pay receives ; the man who ought to give a security—the man who ought to take an account—says he has forgot,—which makes me say oblivion was the remembrancer—and that it will be of no use to inquire into it. This is the manner in which the account of near 200,000*l.* is given to the court of Directors !

You know nothing in this business that is any way distinct, but a premeditated design of concealment of his transactions : that is avowed. But there is a serious thing :—Who were the instruments of his concealment ? No other, my Lords, than the Company's public accountants. He says the money was given into his hands as the public money. That very same accountant takes that money, knowing it to be pretended to be taken for the Company's account : he sees Mr. Hastings make out bonds to himself for it. See what a confederacy ! He sees him make out bonds for sums for bribes taken, and Mr. Hastings makes him enter him as creditor ; when, in fact, he was a debtor. He gives him bonds, when he ought to have taken them. This proves that he is guilty of fraudulent and corrupt acts, covered by false representations, which are not false by collation with anything else, but false by collation of themselves. But he debauches the Company's accountant. He makes him first, in secret, receive these bribes, and afterwards enters Mr. Hastings publicly as their creditor, and taking bonds as their creditor, when he ought in reality to appear there in the character and description of debtor. This is the account. And in this insolent, saucy, careless, negligent manner, a public accountant like Mr. Hastings—a man bred up a book-keeper in the Company's service, who ought to be exact, physically exact, in account—has not only been vicious in his own account, but made the public accounts vicious and of no value. Look at the account. Mr. Hastings received three bonds : for what ? For money he advanced to the Company. Look into the accounts : he received three bonds for money that was theirs. Here are circumstances that make the guilt of a forgery aggravated by a breach of trust, and falsifying the Company's accounts.

There is in this account a curious circumstance with regard to the deposit. He states that he had made a deposit of this

Concealment of his transactions by means of the Company's accountants.

Interval between the

5 MAY 1789. sum of money, to which he referred in his first paragraph of his letter of the 29th of November. He states that it was then made; that it then passed into the hands of Mr. Larkins, on the 1st of June. It did so; but what is the consequence? On the 1st of June this money passes into the hands of Mr. Larkins, and it is not entered in the Company's account till November following. Now, in all that intermediate space where was it?—what account was there of it? It was entirely a secret between Mr. Larkins and Mr. Hastings, without a possibility of any one discovering particulars relative to it. Here is an account of 200,000*l.* received, juggled between the accountant and him, without a trace of it appearing in the Company's books. Some of those Committees,* to whom, for their diligence at least, I must say the public have some obligation, and for which they ought to have some indulgence, examining into all these circumstances, sent for the Company's books, when they heard that Mr. Hastings had deposited a sum of money in the hands of the Company's sub-treasurer in the month of June. They looked over the books, and they did not find the least trace of any such sum of money, and not any accounts; nor could there be, because it was not paid to them till November following. The accountant had received the money, but never entered it from June till November; then at last have we an account of it? Was it then entered regularly upon the Company's account? No such thing: it is a deposit—

payment of
the money
into the
hands of the
accountant,
and entry of
it in the
accounts.

When at
length en-
tered, placed
to Mr. Hast-
ings' credit.

"Carried to the Governor General's credit, in the 12th page of the deposits' journal of 1780, 1781, [Mohrs of sorts which had been coined in the mint and produced, as per 358 and 359 pages of the Company's general journal of 1781-81, gold mohrs, 12,861 12 11, or Calcutta siccas, 2,05,788 11 9; Batta, 16 per cent., 32,926 3 6; total, 2,38,715 2 3.""]

My Lords, when this account comes at last—when this money does emerge in the public accounts—whose is it? Is it as the Company's? No: Mr. Hastings'. And here, notwithstanding the obscure account in November, if the Directors had claimed and called for this affinity to an anecdote—if they had called for this anecdote and examined the account—"come, Mr. Hastings, let us see where this money is!"—they would find two lacs and upwards; but it is Mr. Hastings' money not the Company's: it is carried to his credit.

* The Select and Secret Committees appointed in the year 1781, to inquire into affairs of the India Company. See Introduction, p. xxvii.

† Printed in the "*Minutes of the Evidence*," p. 1115

And in this manner he hands over this sum, telling them, on the 22nd of May, that, not only the bonds were a fraud, but the deposit was a fraud, and that neither bonds nor deposit did in reality belong to him. Why did he enter it at all? Then, afterwards, why did he not enter it as the Company's? Why make a false entry—to enter it as his own? And how came he, two years after, when he does tell you that it was the Company's and not his own, to alter the public accounts—to make them correct and regular? Then why did he not say, at that time, when he pretends to be opening his breast, from whom he received it, or state any thing to give light to the Company, that they might say here “you ought to receive it”—there “it may be oppressive and a dreadful example”—supposing they had a power of dispensing with bribes at pleasure or dispensing with an Act of Parliament at pleasure? The public accounts could not convict him, and the letter he writes informs them of nothing, but is the completest obscurity. He tells them he cannot account for his motive; he can account for nothing; but there was a sum of money which he entered in November and which he ought to have entered in June, and which when he enters it he enters falsely; and so he claims merit in a bold way for discovering to them that he had falsified the Company's public records; that he had taken three bonds as his own which three bonds were theirs; that he had first given them an account of two parts of the money being his own and a third theirs, and afterwards takes the whole as his own. Afterwards he declared that the whole was theirs; and lastly comes an account—the fourth account—by which it appears that two thirds was theirs and one third his. But, in order to make the balance even, he throws them in, *gratis*, another bond, which they had never heard of before, but which was taken in the same collusive, scandalous, manner; and they are at last entered and confessed to be theirs.

I have only to state that this was a letter pretended to be written on the 22nd of May. In this letter, your Lordships will observe that he thinks it his absolute duty—and I wish to press this to your Lordships, because it will be necessary in comparison hereafter—that he considered it as his duty to lay open all their affairs to them, to give them a full and candid explanation of his conduct, which he confesses he is not able to do.

5 MAY 1789.
His various
deceptions
in regard to
the sums
received by
him.

Letter of the
22nd of May,
offering ex-
planations
and claiming
the confi-
dence of the
Directors.

5 MAY 1789. — “ I trust, Honourable Sirs, to your breasts for a candid interpretation of my actions, and assume the freedom to add that I think myself, on such a subject, on such an occasion, entitled to it.”

That is—“ I have taken many bribes, have falsified your accounts, have reversed the principle of them in my own favour. I now discover to you all these my frauds, and think myself intitled to your confidence upon this occasion.”

If all the principles of diffidence—if all the principles of distrust—nay more, if all the principles of conviction of premeditated fraud and delusion—could in any case intitle a man to the severest punishment, they would in this, in which he says he holds himself upon this occasion to be intitled to their confidence and trust. If any of your Lordships had a steward, who told you he had lent you your own money and had taken bonds from you for it, and afterwards told you that that money was neither yours nor his, but extorted from your tenants by some scandalous means, I should be glad to know what your Lordships would think of such a steward. He says,—

“ I will take the freedom to add, that I think myself, on such a subject, on such an occasion, entitled to your confidence and trust.”

You observe in him a sort of a cavalier expression in this account. You would have thought that, instead of possessing the rigour and severity of an accountant—a bookkeeper—he had been reading some sentimental letters. There is a sort of novel air that runs through all this, that adds to the ridicule and nausea of it—such as oxymel squilla. There is something nauseous—something to strike you with horror for the villany of it ; something to strike you with contempt for the fraud of it ; and something to strike you with utter disgust for the vile and bad taste with which all these base ingredients are assorted.

No mention made of the channels through which the money was received.

Your Lordships will see, when this account comes before you, which is subjoined to this unaccountable letter, that there is not one single syllable, from one end to the other, except by a reference that appears in another place to one of the articles, not one account, though the Company had desired the information, of the channels through which he got them. There is not the least light or glimpse given upon this occasion. We have discovered since whom he got them from, and your Lordships will be struck with horror when you hear it. This letter was written upon the 22nd of May. He

is quite shocked to find he had no opportunity of discovering it, though he thought himself bound to do it: he does not send the account, which had been delayed two years nearly for some of the articles. On the 16th of December, he writes a letter to tell why he did not send that former letter; but, finding himself in great distress, he gets Mr. Larkins, who was his agent and instrument in falsifying the Company's accounts, to swear that this letter was written upon the 22nd of May, and that he had no opportunity to send it but by the Lively. It afterwards appeared that there were many opportunities to send it. He might have sent it by the Resolution. He felt himself in an awkward situation, because he found that the Parliamentary inquiry might have got from him this notable discovery, contained in the letter of the 22nd of May, "I do not fear the consequence of any Parliamentary inquiry." He need not fear the consequence of any Parliamentary process, if it produces no further discovery than those your Lordships have in the letter of the 22nd of May.

5 MAY 1789.
—
Mr. Hastings' letter of the 16th of December, explaining the delay in sending that of the 22nd May.

Now, here is a very curious letter which I wish to have read, for some other reasons which I shall take the liberty to notice. But one principal reason is, to show that he held it to be his duty to give, and thought it to the last degree dishonourable not to give, the Company an account of those secret bribes. He thought it would reflect upon him and ruin his character for ever if it did not come voluntarily from him, but extorted by terror of Parliamentary inquiry. This is his letter of the 16th December, 1782:—

"The delay is of no public consequence, [but it has produced a situation which, with respect to myself, I regard as unfortunate; because it exposes me to the meanest imputation from the occasion which the late Parliamentary inquiries have since furnished, but which were unknown when my letter was written, and written in the necessary consequence of a promise made to that effect in a former letter to your honourable committee, dated 20th January last. However, to preclude the possibility of such reflections from affecting me, I have desired Mr. Larkins, who was privy to the whole transactions, to affix to the letter his affidavit of the date in which it was written. I own I feel most sensibly the mortification of being reduced to the necessity of using such precautions to guard my reputation from dishonour. If I had at any time possessed that degree of confidence from my immediate employers, which they never withheld from the meanest of my predecessors, I should have disdained to use these attentions. How I have drawn on me a different treatment I know not; it is sufficient that I have not merited it. And in the course of a service of thirty-two years, and ten of these employed in maintaining the powers and discharging the duties of the first office of the British Government in India, that honourable court ought to know whether I possess the integrity and honour which are the first

7 May 1789, requisites of such a station. If I wanted these, they have afforded me but too powerful incentives to suppress the information which I now convey to them through you, and to appropriate to my own use the sums which I have already passed to their credit, by the unworthy, and, pardon me if I add, dangerous, reflections which they have passed upon me, for the first communication of this kind; and your own experience will suggest to you that there are persons who would profit by such a warning. Upon the whole of these transactions, which to you who are accustomed to view business in an official and regular light, may appear unprecedented if not improper, I have but a few short remarks to suggest to your consideration. If I appear in any unfavourable light by these transactions, I resign the common and legal security of those who commit crimes or errors. I am ready to answer every particular question that may be put against myself, upon honour or upon oath. The sources from which these reliefs to the public service have come would never have yielded them to the Company publicly; and the exigencies of your service exigencies created by the exposition of your affairs and faction in your councils required those supplies. I could have concealed them, had I had a wrong motive, from yours and the public eye for ever; and I know that the difficulties to which a spirit of injustice may subject me for my concealment and avowal, are greater than any possible inconvenience that could have attended the concealment, except the dissatisfaction of my own mind. These difficulties are but a few of those which I have suffered in your service. The applause of my own breast is my surest reward, and was the support of my mind in meeting them. Your applause, and that of my country, are my next wish in life."*

His claim to the applause of the Directors for acknowledging his bribes.

My Lords, you will observe, at the end of this letter, a man declaring that his first applause is from his own breast, and the next is the applause of his employers]. Reversing this, and taking their applause first, on what does he ground his hope of their applause? Was it from his former conduct? No; for he says that conduct had repeatedly met with their disapprobation. Was it in consequence of the confidence he knew they had in him? No; for he says they gave more of their confidence to the meanest of his predecessors. Your Lordships observe the style of insolence he constantly uses with regard to all mankind. Lord Clive was his predecessor, Governor Cartier was his predecessor, Governor Verelst was his predecessor,—every man of them as good as him, and yet he says they had given more of their confidence to the meanest of his predecessors. What was to intitle him to their applause? A clear, a full, explanation of the bribes he had taken. Bribes was to be the foundation of his confidence, and the clear explanation of them was to intitle him to it. Strange grounds to build confidence on—the rotten confidence of corruption! A very strange cause to accompany

it—the infamy of avowal! But more; when he pretended to make a discovery of it, he makes no discovery at all. Your Lordships have seen his discovery, which I have not taken upon me to state, but have read his own letter on the occasion. Have you at this moment any light broken into you upon this matter?

What does he say to the Directors? He looks upon them as a set of low mechanical names—a set of low bookkeepers. He says,—

“Upon the whole of the transactions, which to you who are accustomed to view business in an official and regular light, may appear unprecedented, if not improper, I have but a few short remarks to suggest to your consideration.”

5 MAY 1789.
Pretended
avowal of
his bribes.

His resent-
ment at the
Directors’
requirement
of an ac-
count.

You see he himself is an eccentric accountant—a Pindaric book-keeper—an arithmetician in the clouds. If there is no precision in accounts there is nothing worth in them. He treats the Directors as low-born mechanics and base souls, who, in an account, call for precision and explanation. “I know the Directors desired it. They are mean people; they are not of elevated sentiments; they are modest; they avoid ostentation in taking bribes. I am playing cups and balls with them; letting them see a little glimpse, then carrying them fairly away.” Upon this he founds the applause of his own breast.

“Populus me sibilat; at mihi plaudo
Ipse domi, simul ac nummos contemplor in arca.”

That private plaudit he may have upon this very business, which is a business of money; but the applause of no human creature will he have for giving such an account of it, which he admits to be irregular, uncertain, problematical; which they can make neither head nor tail of. But he despises us, who are representatives of the people, with regular officers and regular finance, for expecting anything like a regular account from him. He is hurt at it; he considers it as a cruel treatment of him. He says—“Have I deserved this treatment?” Observe, my Lords, there is no treatment in the world that had occurred to him; but they did, in a way shameful indeed, abjectly, lowly and pusillanimously, beg of him, as if they were his dependants and not his masters, to give them some light into the account. They desire a receiver of money to tell whom he received it from and how he applied it. He says, they may be hanged for a parcel of mean, contemptible, bookkeepers, and that he will give

He refuses
further
account.

5 MAY 1780. them no account. He says—"If you sue me"—There is the point; he always takes security in a court of law. And these people, to whom he ought, as a faithful servant, to give an account, who had by an Act of Parliament specially granted to him the administration of the revenues, he considers to be called upon by them for an account as a gross affront; and then he says he is ready to resign his defence and will answer upon honour or upon oath. Answering upon honour is a strange way they have got in India, as your Lordships may see in the course of this inquiry. He forgets that, being the Company's servant, the Company may bring a bill in Chancery against him, and force him upon oath to give an account; but he has not given them light here, hardly, to afford ground for a fishing bill in Chancery. But then he says, "If you call upon me in a Chancery way or by common law, I really will abdicate all forms and give you some account." In consequence of this, the Company did demand from him an account regularly, as fully and formally as if they had demanded it in a court of justice. He positively refused to give them any account whatever, and they have never had any account, till this very day in which we speak, that is at all clear or satisfactory. And your Lordships will see, as I go through this scene of fraud, falsification, iniquity and prevarication, that, in defiance of his promise—which promise they quote upon him over and over again—he has never given them any account of this matter.

Threatens to appropriate the sums already past to their credit. He says—and it is a most alarming thing—that by calling him to an account they may provoke him, – to what?

"To appropriate," he says, "to my own use the sums which I have already passed to your credit, by the unworthy and, pardon me if I add, dangerous reflections which you have passed upon me for the first communication of this kind."

They passed no reflection. They said they would neither praise nor blame him; but pressed him to account for it, for they could not understand it. And, I believe, your Lordships understand it no more than they; for it is not in the compass of human understanding to conceive or comprehend it. "I may be tempted, if you should provoke me, to be not the honest man I am; to falsify your account a second time, and to reclaim those things again which I have passed to your credit; to alter the account by the assistance of Mr. Larkins, and claim those things again." What a dreadful account this is of his dominion over the public accounts, that he has a power of altering the Company's

Reflections on his power of altering

accounts; again, that, having falsified them first in order to deceive them, and then told them of his falsification in order to gain credit with them, if they provoke him he shall take back that credit, and make them debtors where he carried money to their credit. Here he fairly tells you the dominion he has over the Company's accounts; so that, when he afterwards shall plead the accounts, we shall be able to rebut that evidence,—“The Company's accounts are corrupted by you through your agent, Mr. Larkins, and we give no credit to them; because you not only told them you could do so, but we can prove you have reversed the accounts where you had carried money to their account, and that another man might do it if he was provoked to it.” What a strange medley of evasion, pretended discovery, real concealment, fraud and prevarication, appears in every part of this letter!

He wrote the letter upon the 22d of May; kept this letter back to the 16th of December; and during all that period of time you would have imagined he would have prepared himself to give some light and illustration to these dark and mysterious transactions, and which carried fraud upon the very face of them. Did he do so? Not at all. Upon the 16th of December, instead of giving them those clear accounts, he falls into a violent passion for their expecting it. He tells them they are dangerous, and he tells them they know who had profited by it. So he hints some fraud which they had practised or protected, which should strike terror into their breasts. What weight that might have with them I know not; but, now that Mr. Hastings, after having given four false accounts, if any one of which is true the other three must necessarily be false, has thrown the Company's accounts into confusion, and cannot tell, as he says himself, why he did so at last—your Lordships might expect some satisfaction from him; for the Directors continued, in a humble, meek, way, giving him hints that he ought to do it.

You have heard nothing yet but the consequences of their refusing to give him the present of 100,000*l.*, which he had taken from the Nawab. They did right to refuse it: they did wrong to take it to themselves. Now we find him on the river Ganges, in September, 1784. That purifying water of the Ganges, which expiates so many sins of Gentus, one would think would wash Mr. Hastings' hands a little clear of bribery, and would carry out the golden sand. As

5 MAY 1789.
the Com-
pany's
accounts.

Absence of
explanations
in the letter
of the 16th
December.

Discovery of
another
bribe in
September,
1784.

5 MAY 1759. we have known, in other places they have had a river Pactolus, that turned everything into gold that touched it ; and the Ganges, one would have expected, should wash off some of this guilt from Mr. Hastings. But after he had been in that course of bribery, giving them no account of it, standing in utter defiance of their authority, we find him discovering another bribe.

He insists on being allowed to retain it.

Now here is a bribe upon totally a different principle, upon his own avowal. It is a bribe not pretended to be taken for the use of the Company ; a bribe taken absolutely, entirely. He tells them, in that letter, that he has taken between thirty and forty thousand pounds ; that he has taken it without right, like the first ; that he intends to apply it to his own purposes ; and insists upon their sanction for doing it. He says he has in vain, upon a former occasion, appealed to their honour, liberality and generosity ; that he now appeals to their justice, and insists upon it that they shall decree this bribe he has taken—but not telling them from whom, where, or on what account—to his own use. First, he desires to have the bribe he had taken from the Nawab ; and now, he takes a bribe from some anonymous person, which he calls upon their justice for.

Pretends to be in poor circumstances.

Your Lordships remember that, in the letter which he wrote from Patna on the 20th of January, he there states his circumstances to be pretty good ; that the tolerable good circumstances he was in had arisen from his continuing long in their service. Now he has continued two years longer in their service, and he is reduced to beggary. He says,—

“ This is a single example of a life spent in the accumulation of crores for your benefit, and doomed, in its close, to suffer the extremity of private want, and to sink in obscurity.”

His claim to the money.

He thought, in 1773, he could have made an exceeding good fortune by his place. In 1781, he says with gratitude that he had made a decent private competency ; but in two years after he sunk to the extremity of private want. How does he relieve that want ? By taking a bribe. And whom does he desire that bribe to be given to ?—to the Company's service ? No ; all pretences of the Company's service are completely gone ; he has taken the bribe to his own use ; he intends to keep it to his own use, and he calls upon the Company to give it. No man has a right to be generous out of another's goods. If taken without right, he cannot justly appropriate them to himself. “ Here I call upon your justice.” “ If you have a just demand upon my treasury,

state it, and I will pay it. If it is a demand upon my generosity, state your merits, and I will consider them." "No; I have paid myself by a bribe, and I call upon your justice to restore it." "To its owner?" "No; to keep it myself. Think what a situation the Company is in. I have done a great deal for you. This is a jackall's portion. You have been the lion; I have been endeavouring to progg for you. I am your bribe pander—your factor of corruption; exposing myself to every kind of scorn and ignominy, to insults even, for you. I have been preying and progg for you. I have been going all through the licentiousness and lewdness, wading through every dirt and corruption for your advantage. I am now sinking into private want and extremity. Do give me this." "What, money?" "No; a bribe. Rob the man who gave me this bribe"—for this is his idea of justice—"rob the man who gave me this bribe of his honest money, or money I extorted from him. Vote me"—what, money of your own? that is generous: money you owe me? that would be just. No—"money that you neither owe me nor that I can claim from your treasury, but which I have extorted from another man, and I call upon your justice to give it me." He says,—

"I am compelled to depart from that liberal plan which I originally adopted, and to claim from your justice—for you have forbid me to appeal to your generosity—the discharge of a debt which I can, with the most scrupulous integrity, aver to be justly due, and which I cannot sustain."

"If any of the Company's servants shall say I have been extravagant, profuse, it was all meant for your good. Let me prey upon the country at my pleasure: license my bribes, frauds and peculations, and then you do me justice." What country are we in where these ideas are ideas of generosity and justice, which are to be made up by taking from other men? But does he tell you from what men he had robbed, what the consequences of his bribes were? No; you would have expected that in this letter he would have told you something of his other bribes, have given some small light into these transactions; but, refusing or forgetting, for he had a most effectual oblivion—this Ganges, like Lethe, causes a drowsiness, as you saw in Mr. Middleton; they recollect nothing; they know nothing—"Call for an account?" he says, "no; it will excite a variety of conjectures." You would have thought now he had been called

He conceals
the givers of
the bribe.

5 MAY 1780.

5 MAY 1789.

The discovery made by Parliamentary investigation.

Explanation given in his Defence in the House of Commons.

Three lacs received from Raja Nobkissen.

upon to state from whom he took this bribe. No; he has not stated, from that day to this, whom he took that money from; but we have found it out, and the way in which we found it out is this:—Mr. Hastings wrote to the court of Directors in the year 1784, desiring this money to be given to him. Now he has not told the court of Directors one word of it. But, such is the use of Parliamentary inquiries, such both to this present age and posterity will be their use, if we pursue them with the vigour of the great trust which is imposed justly upon us, and which we bear not only as an imposition but vigorously, that, if your Lordships do firmly administer justice upon this, you will put an end to these frauds and prevarications at once. But, that your Lordships will see it is the diligence of the House of Commons in this inquiry, and which he has the audacity to call malice, which has brought to light the only discovery we have been able to prove upon him, I will read an extract from that stuff, which he has written himself, or somebody else has written for him, and which he owns or disclaims just as he pleases, when, under the slow tortures of a Parliamentary impeachment upon him, he discovered at last from whom he got the money.

“The last part of the charge states that, in my letter to the court of Directors, of the 21st February 1784, I have confessed to have received another sum of money, the amount of which is not declared, but which, from the application of it, could not be less than 34,000*l.* sterling, &c. In the year 1783, when I was actually in want of a sum of money for my private expenses, owing to the Company not having at that time sufficient cash in their treasury to pay my salary, I borrowed three lacs of rupees of Raja Nobkissen, an inhabitant of Calcutta, whom I desired to call upon me with a bond properly filled up. He did so, but at the time I was going to execute it he entreated I would rather accept the money than execute the bond. I neither accepted the offer nor refused it; and my determination upon it remained suspended between the alternative of keeping the money as a loan to be repaid, and of taking it and applying it, as I had done other sums, to the Company's use. And there the matter rested. If I undertook my journey to Lucknow, when I determined to accept the money for the Company's use; and these were my motives. Having made disbursements from my own cash for services which, though required to enable me to execute the duties of my station, I had hitherto omitted to enter into my public accounts, I resolved to reimburse myself in a mode most suitable to the situation of the Company's affairs, by charging these disbursements in my Durbar accounts of the present year, and crediting them by a sum privately received, which was this of Nobkissen's. If my claims upon the Company were not founded in justice, and *bond fide* due, my acceptance of three lacs of rupees from Nobkissen by no means precludes them from recovering that sum from me. No member of this Honourable House suspects me, I

hope, of the meanness and guilt of presenting false accounts. I have never benefited by contingent charges, or by retaining the money of the public in my own possession for my private emolument."*

"Nobody suspects me of the guilt of presenting false accounts." We do not suspect him of presenting false accounts. We prove—we are now radically proving—that he presents false accounts. We suspect no man who does not give ground for suspicion; we charge no man who has not given ground for charge; and we do not attempt to bring before a court of justice what we shall not decisively prove against him. That puts an end to all suspicions; that puts an end to all idle prattle of malice and extorting false accusations, or ill founded charges or suspicion of guilt. We come here to bring the matter to the test; and here it shall be brought to the test between the Commons of Great Britain and this East India delinquent. He says he has never benefited himself by contingent accounts. Now, when he thus excuses himself for this bribe from Nobkissin, which he did not discover at the time, but in the House of Commons, he declares that he wants to apply it to contingent accounts for his expenses, or for what he pretended to have laid out for the Company for a vast number of years. This is a letter to the court of Directors, dated on the river Ganges, 21st of February, 1785:—

Proof of system of false accounts.

Letter to the Directors, 21 January, 1785, desiring to apply the money to account of contingent expenses.

"If it should be objected that the allowance of these demands would furnish a precedent for others of the like kind, I have to remark that, in their whole amount, they are but the aggregate of a contingent account of twelve years; and, if it were to become the practice of those who have passed their prime of life in your service, and filled, as I have filled it, the first office of your dominion, to glean from their past accounts all the articles of expense which their inaccuracy or indifference hath overlooked, your interests would suffer infinitely less by the precedent, than by a single example of a life spent in the accumulation of crores for your benefit, and doomed in its close to suffer the extremity of private want, and to sink in obscurity."†

Here is the man that has told us, at the bar of the House of Commons, that he never benefited himself by any contingent accounts, and yet, in order to set off against this bribe, which he never intended to apply to any current service of the Company, he was obliged to feign and invent a service, namely, that he had, without any authority of the Company,

Unreasonableness of the claim.

* Minutes of what was offered by Warren Hastings at the bar of the House of Commons, &c. Answer to the Eighth Charge.—Printed by Debrett, 1788, p. 157.

† Printed in the "Minutes of the Evidence," p. 1120.

MAY 17-80. squandered away in stationery and budgerows, and other idle service, a sum amounting to this. It is then for the Company's service. "I have spent for the Company's service every thing I thought fit to expend for their service. I intended to be generous at that time. I intended, out of my own pocket, to pay for a translation of the code of Gentu laws. I was then in the prime of my life, flowing in money, and had great expectations. I am now old. I cannot afford to be generous. I intend to take a bribe. I will look back into all my former accounts, pen, ink, wax, every thing that I generously or prodigally spent of my own, and now I make a charge upon you for that sum of money, when at the same time I know you have given a noble allowance to me."

Now suppose Lord Cornwallis, who sits in the seat—and I hope will long and honourably and worthily fill the seat—the gentleman possessed—suppose Lord Cornwallis should tell you that near 30,000*l.* a year was not enough for him; that he should afterwards say, sinking into want and distress, never having complained of the insufficiency of his salary, and having but two years before said he had saved a sufficient competency out of it, that he was in want, and justify upon that want taking a bribe; then make out a bill of contingent expenses to cover it. Would your Lordships bear that?

Improbability in the account of the pretended loan from Nobkissin.

Refusal of Mr. Hastings' bond by Nobkissin.

Mr. Hastings has told you that he took this money from Raja Nobkissin. He wanted to borrow money for his own use. Raja Nobkissin is a banya. You would be astonished to hear of generosity in a banya. There never was a banya and generosity united together. But Nobkissin loses his banya qualities at once, the moment the light of Mr. Hastings' face beams upon him. "Here," says Mr. Hastings, "I have prepared bonds for you." "Astonishing; how can you think of the meanness of bonds? You call upon me to lend you 34,000*l.*, and propose bonds? No: you shall have it. You are the Governor General, who have a large and ample salary; but I know you are a generous man and I emulate your generosity. I give you all this money." He was quite shocked at Mr. Hastings offering him a bond.

My Lords, a Gentu banya is a person a little lower—a little more penurious—a little more exacting—a little more crafty—a little more money-making—than a Jew. There is not a Jew, in the lowest part of Duke's Place in London, but 's half so crafty—half so much a usurer—half so know.

ing how to turn money to profit—and so averse to give any money but for profit—as a Gentu broker of that kind. But this man at once gets generous, and will not suffer a bond to be given to him; and Mr. Hastings accordingly is thrown into very great distress. You see sentiment always prevailing in Mr. Hastings. The sentimental dialogue between him and a Jew broker must charm every body who has a true taste for the sentimental in pathos. Mr. Hastings does not know really what to do. He does not know whether he shall give him his bond; whether he shall take the money for his own use; whether he shall take the money for the Company's use; or what he shall do: but it is at last with man, as it is said of women—the woman who deliberates is lost—the man that deliberates about receiving bribes is gone. The moment he deliberates, that moment his reason, the fortress, is gone; the wall shakes; down it comes—and that moment enters Nobkissin with colours flying into the citadel of his honour and integrity, with drums beating, and Mr. Hastings' garrison goes out with the honours of war very handsomely—all for the benefit of the Company—and he takes this money from Nobkissin. Nobkissin is perfectly satisfied: he gives him this money.

5 MAY 1789.
Acceptance
of the
money.

Mr. Hastings took the money with a view to apply it to the Company's service. How? To pay his own contingent bills: says he—"Every thing that I do, and all the money I squander, is all for the Company's benefit. As to particulars of the accounts, never look into them: they are given you upon honour. Let me take this bribe. It costs you nothing to be just or generous. I take the bribe, you sanctify it. I have the money and you have no expense." This is the way in which he manages this business. But the moment we have got a name we have got a crime. Nobkissin did give him this money, and did not take his bonds I believe for it: but Nobkissin, we find, immediately afterwards enters into the management of one of the most considerable districts in Bengal. We know very well, and I think I shall prove, how such men rack such districts; and we shall prove that this money, which was given to the Company, as pretended by Mr. Hastings, was exacted from the inhabitants, and that Nobkissin fell as much or more, I believe, in arrears—he fell however vastly in arrears—to the Company for the money which he gave Mr. Hastings. Now you see how it is that Mr. Hastings receives money from the generosity of a banya. He is full of gratitude. He gives him up a territory to manage, under what name you

The manage-
ment of a
district
given to
Nobkissin

5 MAY 1780. please. He gives the government of the great families entirely into his power.

The person
bribing
Mr. Hastings
suffered
to remain in
arrears in
their ac-
counts.

"Now," says Mr. Hastings, "what does it cost the Company?" Why, it costs the Company this—and we shall prove it—that Mr. Hastings never took a bribe, but you will find that the person who gave him that bribe falls either to that amount, in a greater proportion, or some way in debt to the Company. And this is a good way to pay Mr. Hastings' contingent accounts—that he sends a most detestable villian into the country to take the management of it, and who falls in arrear to the Company in his accounts. 'This is the way the Company keep their servants from falling into "the extremity of private want;" and there is a pretended saving to their treasury by the receiving of bribes, at the very time that these persons are falling just as much into debt to the Company. A bribe is given on one hand and a balance accruing on the other. He is always, sooner or later, paid out of the Company's revenue; for no man ever gave a bribe, who had any share in the management of the Company's revenues—which this Nobkissin had—that did not either extort from the country to the full amount of his bribe, as he must do, or else fall in balance to the Company to that amount, or sometimes both. No man ever bought by such bribes as Nobkissin bought, in this generous and sentimental intercourse between him and Mr. Hastings, that did not fall in balance to the Company, and produce such calamities and distresses to the country as I shall not at this moment attempt to describe. For others will show to you that he never attempted corruption that blood did not follow; he never took a bribe, when the Company's treasury was not exhausted and the country did not suffer.

Nobkissin a
defaulter to
the Com-
pany.

What, did the court of Directors give us information of this? No; we got it in the House of Commons. We then followed Nobkissin's accounts, according to the diligence in which, we trust, we can demand the approbation of our country. We found Nobkissin became a defaulter—a bankrupt—in that year to the Company; and I have no reason to believe that, to this hour, he has paid his arrears; and the very interest of his deficiencies, according to the rate of interest in that country, would be more than the bribe Mr. Hastings has received for the use of the Company, or as a reward for the fidelity on which he values himself.

Correspond-
ence
between
Mr. Hastings
and the Court

Now we shall go further, to let you see the course of this enquiry and of this discovery. Mr. Hastings, having written on the 10th of June 1780 upon the *George*, the Court of Directors wrote

to him. Your Lordships are not to imagine that the letters are a letter written and answer given, but they are writing to each other at random. Mr. Hastings writes an account one day; they ask him something about that account another; he tells them of a third next; and a kind of game of hide-and-seek is being played between him and the court of Directors. But still the Directors are pursuing their chase, and they insist at last that Mr. Hastings shall give them some account.

I am to tell your Lordships that the court of Directors, finding that some of the committee of the Commons, while committees of the House had weight, were frowning upon them for this collusion with Mr. Hastings, and at last thinking it necessary to let the honest man in the Company get some ascendancy, wrote a proper letter, which I shall show your Lordships, demanding from Mr. Hastings an exact account of those bribes that he had received, and painting to him, in colours as strong at least as I paint, the bribery, the fraud and peculation, particularly about those bribes. They desire him to give them a satisfactory account about the rest, and desire that this money—which does them honour for that moment—which was taken from the Nawab of Oude, should be passed to his account. These paragraphs were prepared by the committee of correspondence, and, as I understand, approved by the court of Directors, but never were sent out to India. However, something was sent, which was very poor, miserable and lame; but still it deserved some explanation. Mr. Hastings received it. He never answered it. He never gave them the smallest explanation; but, after he had gone through all his business, he went up to Oude, upon the chase in which just now we cannot follow him. He went up to Oude; he came down again disgusted, and settled all his affairs for his departure; and he came to England, without ever giving them one word of this explanation, which he had so often promised and they repeatedly asked.

Now, we have got Mr. Hastings in England; in which you will suppose there might be some account got from him. He arrived in London, and one would think he would be a little quickened by a menace which he has declared, in a paper before you, was thrown out against him in the House of Commons, that an inquiry should be made into his conduct. The Directors, knowing this affair would be likely to be called in question, thought it as good gently to insinuate

5 MAY 1789.
ings and the
Directors.

Demand
made on
Mr. Hast-
ings by the
Directors for
a precise
account of
the presents
received.

Terms of the
letter pre-
pared by the
committee
of the House
of Commons.

Mr. Hast-
ings returns
to England
without
having
answered
the letter.

Letter
written to
him by the

5 MAY 1780.

Directors
after his
arrival in
England.His answer
written at
Cheltenham,
11 July, 1785.

to him by a letter—written by whom and how we do not know—that he ought to give some explanation of these accounts; and then he wrote them a letter which I suppose is a singular thing in the conduct of the world; which has no parallel: not even himself could be his parallel in this. All the variety of inventive folly working upon conscious guilt, and throwing each other totally in confusion, never produced such a sort of fraudulent, prevaricating, false letter as this letter, which is now to be given to you.

First, you have seen him at Patna—at Calcutta—the country on the Ganges. Now you see him at the waters at Cheltenham; and see what he has written to the court of Directors upon that occasion. It is a letter that may be considered to comprehend and be a digest of the former letters, and all the falsity, fraud and nonsense, that is in the whole of them. You have it there before you; your Lordships will suffer it to be read—I beg your patience. I must acknowledge I am in the most difficult of all things to explain, but much more difficult to make pleasant, namely, falsity and fraud, pursued through all its artifices. And, therefore, as it is the most painful work that ever was to unravel fraud and prevarication, so there is nothing that more calls upon the attention, the vigilance, the patience and the scrutiny, of an exact court of justice. Therefore, as you have here almost the whole of the man, do not think it too much to hear a letter from Cheltenham.* It is dated, Cheltenham, 11th of July, 1785; addressed to William Devaynes, Esq. :—

“ Sir, —The honourable court of Directors, in their general letter to Bengal, by the *Surprise*, dated the 16th of March, 1784, were pleased to express their desire that I should inform them of the periods when each sum of the presents, mentioned in my address of the 22d of May, 1782, was received; what were my motives for withholding the several receipts from the knowledge of the Council or of the court of Directors; and what were my reasons for taking bonds for part of these sums and for paying other sums into the treasury as deposits on my own account.”

His con-
science-ness
from an
early period
that an ac-
count was
expected.

I wish your Lordships to pause a moment. Here is a letter, written in July 1785, from Cheltenham. You see that, from the 29th of December 1780, during all the time he was giving false and prevaricating accounts to the court of Directors, he was convinced in his own conscience, in his

* The letter is printed at length in the “*Minutes of the Evidence*,” &c.,
p. 117

own opinion, of the necessity of producing it ; yet they were ^{5 MAY 1789} never able to get any sort of discovery from him.

“ I have been kindly apprized, that the information required as above is yet expected from me. I hope that the circumstances of my past situation, when considered, will plead my excuse for having thus long withheld it. The fact is, that I was not at the Presidency when the Surprise arrived ; and, when I returned to it, my time and attention were so entirely engrossed to the day of my final departure from it, by a variety of other more important occupations, of which, Sir, I may safely appeal to your testimony, grounded on the large portion, contributed by myself, of the volumes which compose our consultations of that period.”—

These consultations form matter of one of the charges that the Commons have brought against Mr. Hastings ; that is, a fraudulent attempt to ruin the persons employed under him, in order to go himself in their place and to act in the secret, mysterious, manner in which he did. These are the volumes of consultations which he had written upon that subject, to justify the acts which he had done there—

“ that the submission, which my respect would have enjoined me to pay to the command imposed on me, was lost to my recollection ; perhaps from the stronger impression, which the first and distant perusal of it had left on my mind, that it was rather intended as a reprehension for something which had given offence in my report of the original transaction, than as expressive of any want of a farther elucidation of it.”

Permit me to remark upon this extraordinary passage. A letter is written to him, which is a continuance of requesting a thousand things desired before and promised by himself ; and then he says he recollects—observe his memory—he is not the writer ; he knows nothing of it ; he only has an obscure recollection that he thought it a reprehension rather than a demand. Now a reprehension is a demand. When I say to a servant of mine—“ why have you not given me this account before ? ” the reason he assigns is—“ I have not given it because I thought you were railing at and abusing me.”

A Pretended misapprehension of the Directors' previous demand of an account.

“ I will now endeavour to reply to the different questions which have been stated to me, in as explicit a manner as I am able. To such information as I can give the Honourable Court is fully entitled ; and, where that shall prove defective, I will point out the easy means by which it may be rendered more complete.”

In order that your Lordships may thoroughly enter into this letter, I am to observe that it is in consequence of a letter which he received at Bengal, and which he was at last prevailed upon to give some answer to at Cheltenham. Now observe how handsomely and kindly these tools of Directors have expressed themselves to him, and that even their

5 MAY 1780 baseness and subserviency to him was not able to draw out any satisfaction to his enemies—he gives none to his friends about it. They are calling upon him in consequence of a promise, which he calls a reprehension.

“ Although it is not our intention to express any doubt of the integrity of the Governor General, on the contrary, after having received the presents we cannot avoid expressing our approbation of his conduct in bringing them to the credit of the Company, yet we must confess the statement of those transactions appears to us in many points so unintelligible that we feel ourselves under the necessity of calling on the Governor General for an explanation, agreeable to his promise, voluntarily made to us.”

Now there is a demand upon him ; this demand he says he considered only as a reprehension. Reprehension is a stronger mode of demand. But here was a direct, a positive, demand upon him, which his memory furnishes as nothing but a reprehension. He answers :—

Admission of
inaccuracy
in his
account.

“ First, I believe I can affirm with certainty, that the several sums mentioned in the account transmitted with my letter above mentioned were received at, or within a very few days of, the dates which are prefixed to them in the account ; but, as this contains only the gross sums, and each of these was received in different payments, though at no great distance of time, I cannot therefore assign a greater degree of accuracy to the account.”—Your Lordships see, after all these inquiries, and after this long course of years, he declares he cannot make his account accurate. —“ Perhaps the Honourable Court will judge this sufficient”—that is, this explanation, namely, that he can give none—“ for any purpose to which their inquiry was directed ; but if it should not be so, I will beg leave to refer, for a more minute information and for the means of making any investigation which they may think it proper to direct, respecting the particulars of this transaction, to Mr. Larkins, your Accountant General, who was privy to every process of it, and possesses, as I believe, the original paper, which contained the only account that I ever kept of it.”

Refers to
the ac-
countant
general in
Bengal.

Here is a man, who keeps a bribe account, cannot give an account in the country where it is carried on. When you call upon him in Bengal, he cannot give an account because he is in Bengal. Then he comes to England, and he cannot give an account there, because his account is left in Bengal. He kept no accounts himself, but his accounts are in Bengal, in the hands of somebody else. We shall see what that produced.

“ In this, each receipt was, as I recollect, specifically inserted, with the name of the person by whom it was made ; and I shall write to him to desire that he will furnish you with the paper itself, if it is still in being and in his hands, or with whatever he can distinctly recollect concerning it.”

* Extract of a letter from the court of Directors, dated 16th March, 1784.
—Printed as above, p. 1149.

Here are accounts kept for the Company, and yet he does not know whether they are in existence anywhere. 5 MAY 1789.

“ For my motives for withholding the several receipts from the knowledge of the Council or of the court of Directors, and for taking bonds for part of these sums and paying others into the treasury as deposits on my own account, I have generally accounted in my letter to the Honourable the court of Directors, of the 22d May, 1782; namely, that I either chose to conceal the first receipt from public curiosity, by receiving bonds for the amount, or possibly acted without any studied design, which my memory at that distance of time could verify; and that I did not think it worth my care to observe the same means with the rest. It will not be expected that I should be able to give a more correct explanation of my intentions after a lapse of three years, having declared at the time that many particulars had escaped my remembrance; neither shall I attempt to add more than the clearer affirmation of the facts implied in that report of them, and such inferences as necessarily or with a strong probability follow them.”

You have heard of that oriental figure, called a *painche*, which is in English a screw. It is a puzzled and a studied involution of a period, in order to prevent the discovery of truth, and to frustrate the detection of any frauds. It is called in the banyan language a *painche*, and if ever you saw that *painche* exemplified in the world it is in this sentence—“ Neither shall I attempt to add more than the clearer affirmation of the facts implied in that report of them, and such inferences as necessarily or with a strong probability follow them.” These are not facts stated, but facts implied in the report. Report of what?—of what the Directors declared they did not understand. And then—the inference from these implied facts—the inferences that would necessarily follow from them, or, with a strong probability. If you have a mind to study that oriental figure of rhetoric called a *painche*, here it is for you in its most complete perfection. No rhetoricians, giving examples of oratory, have anything like it that ever matched this sentence. First, in May, 1782, he forgets his motives for falsifying the Company’s accounts, and he very rationally draws such inferences as “ necessarily or with a strong probability follow them.” The inference is, “ I gave a clearer affirmation of these circumstances;” that is, if I understand it at all, which, God knows! I no more pretend to do than Don Quixote did those sentences of lovers in romance writers which he said it made him run mad to attempt to discover the meaning of,—“ why, you call upon me for accounts now, three years after, which I could not give you then: I cannot give them you. And, as to papers, I do not know whether they exist. Perhaps you may know something

Studied
obscurity of
his language.

5 MAY 1789. of them ; perhaps you may not. I can give you no account of them : but I will write to Mr. Larkins, if you please." Now you will see, comparing this with his other accounts, what a monstrous scheme he has laid of fraud and concealment to cover his speculation.

"I have said that the three first sums of the account were paid into the Company's treasury, without passing through my hands. The second of these was forced into notice by its destination and application to the expense of a detachment, which was formed and employed against Madhejee Scindia, under the command of Lieutenant-Colonel Camac, as I particularly apprised the court of Directors, in my letter of the 29th of December, 1780."

Concealment of the persons he received them from.

He does not yet tell you from whom he received it. We have found it out by other collateral means, but he never told the court of Directors from whom he received it.

"The other two were certainly not intended, when I received them, to be made public, though intended for public service, and actually applied to it. The exigencies of the government were at that time my own, and every pressure upon it rested with its full weight upon my mind. Wherever I could find allowable means of relieving those wants I eagerly seized them ;" allowable means of receiving bribes, as we shall prove in the particular instances—"but neither could it occur to me as necessary to state in our proceedings every little aid which I could thus procure ; nor do I know how I could have stated it, without appearing to court favour by an ostentation which I disdained, nor without the chance of exciting the jealousy of my colleagues, by the constructive assertion of a separate and unparticipated merit, derived from the influence of my station, to which they might have laid an equal claim."

Motive for concealing them from his colleagues.

Now we see that, after hammering his brains for many years, he does find out his motive, which he could not verify at the time ; which was, that, if he let his colleagues know he was receiving bribes, and having the glory of receiving them, they might take it into their heads likewise to have their share in the same glory, as joined in the same commission, enjoying the same powers, and subject to the same restrictions. It was scandalous in Mr. Hastings—not behaving like a good, fair, colleague in office—to deprive them of the share in the glory of receiving bribes. But they were grovelling creatures. They were thinking that keeping clean hands was some virtue. He did not let them know that he was going on in a career of receiving bribes, lest they should wish to have a share in the glory.

Mr. Hastings is a Pindaric genius. He finds the nearest way to the heart. He does not go a long round about way to the heart, but he ravishes the lady at once. "You are a parcel of grovelling wretches. You shall not know the way I am going, for fear you should share in the glory too."

“ Might not we receive bribes for the Company ? ” “ No ; you shall not have the glory. I conceal it. ” “ Why ? ” “ Because it would look like ostentation, if I were to tell it. ” “ Well, but you have applied some of these bribes to your benefit ; give us an account of these bribes. ” “ No ; that will not do. I disdain ostentation, therefore I will not tell. I might excite jealousy in my colleagues. ” To be sure, if he was receiving bribes and they not receiving bribes, and if they had a liking to that kind of trade, it is a good object for jealousy, that a matter which ought to be in common among them should be confined to Mr. Hastings. The goddess, as Spenser calls her, “ with golden hands,” has iron hands sometimes.* He admits they had an equal claim, but, in order not to excite a jealousy in his colleagues for being left out in what they had an equal claim to, he takes bonds for what ought to be brought to the Company’s account. These are reasons with regard to his colleagues, who sat with him at the Board—Mr. Macpherson, Mr. Stables, Mr. Wheler, General Clavering, Colonel Monson and Mr. Francis. He was afraid of exciting their jealousy. So far with respect to those who were co-ordinate with him and joined with him in the commission. Now you will see another reason—an extraordinary one—which he has given with respect to his inferiors. I am to tell your Lordships, which you should take on credit—indeed it is on credit, till it is proved to you—that, when he formed a committee of revenue, he bound them by a solemn oath—“ not, under any name or pretence whatever, to take from any zamindar, farmer, person concerned in the revenue, or any other, any gift, gratuity, allowance or reward, whatever, or anything beyond their salary ; ” and this is the oath to which he alludes. It was for fear of exciting the jealousy of his colleagues : it is now with regard to his inferiors. His reason for concealing his bribes under those false and fraudulent bonds was this : —

Oath imposed by him on the committee of revenue not to take presents.

“ I should have deemed it particularly dishonorable to receive for my own use money tendered by men of a certain class from whom I had interdicted the receipt of presents to my inferiors, and bound them by oath not to receive them ; I was, therefore, more than ordinarily cautious to avoid the suspicion of it, which would scarcely have failed to light upon me, had I suffered the money to be brought directly to my own house, or to that of any person known to be in trust for me. ”

My Lords, here he comes before you, avowing that he knew the practice of taking money from these people was

Inconsistency in prohibiting

* “ Faerie Queene ; ” Book v., Canto II., Stanzas ix., x.

5 MAY 1780. a thing dishonourable in itself. "I should have deemed it particularly dishonourable to receive for my own use money tendered by men of a certain class, from whom I had interdicted the receipt of presents to my inferiors, and bound them by oath not to receive them." He held it particularly dishonourable to receive them: he had bound others by an oath not to receive them. Why does he conceal it? Why, "because," says he "if the suspicion came upon me, the dishonour would fall upon my pate." Why did he by an oath bind his inferiors not to take these bribes? Why, because it was base and dishonourable so to do; because it was mischievous and ruinous to the Company's affairs to suffer them to take bribes. Why did he take them himself? It was ten times more ruinous, that he who had bound up others so strictly should practise the same himself, and, "therefore," says he, "I was more than ordinarily cautious." What, to avoid it? "No; to carry it on in so clandestine and private a manner as might secure me from the suspicion of that which I know to be detestable, and bound others up from practising."

His reasons for concealing his receipt of presents from the board of revenue.

We shall prove that the kind of men from whom he interdicted his Council to receive bribes were the identical men from whom he received them himself. If it was good for him, it was good for them, who had their means of extorting: and, if it ought to be practised, they ought to be admitted to extort for the good of the Company. Raja Nobkissin was one of the men from whom he interdicted them receiving bribes, and from whom he received a bribe for his own use. He says he did it to conceal it from them, because he thought great mischief would happen if they suspected it, lest they should be inclined to practise it, and break their oaths. Then you take it for granted he concealed it from them? No such thing. His principal confidant in receiving these bribes was Mr. Crofts, who was a principal person in this board of revenue, whom he had made swear not to take bribes. He sees Mr. Hastings receive bribes. He is the confidant and receiver, as we shall prove to your Lordships. "I would not discover them, because I would not let these people know that I received them." Here is one of the very men whom he declares he was not willing should know it. What will your Lordships say to his affirming and averring a direct falsehood here?—that he did it to conceal it from these kind of men, when one of these men was his principal confidant and agent in the transaction? He was more than ordinarily cautious

Communicates it to Mr. Crofts, a member of the Board.

to avoid the suspicion of it; he ought to have avoided the crime, and the suspicion would take care of itself. 5 MAY 1789.

“For these reasons I caused it to be transported immediately to the treasury. There, I well know, Sir, it could not be received without being passed to some credit, and this could only be done by entering it as a loan or as a deposit. The first was the least liable to reflection, and therefore I had obviously recourse to it. Why the second sum was entered as a deposit I am utterly ignorant; possibly it was done without any special direction from me; possibly because it was the simplest mode of entry, and therefore preferred, as the transaction itself did not require concealment, having been already avowed.”

My Lords, in fact, every word of this is wholly groundless: it is completely wrong in every part. Says he, “I put it down as a deposit.” “Why did you do so?” “I cannot tell. There are various reasons which might have induced me to do it; but one is, when you enter moneys of this kind you must enter them under some name—some head of account; and I entered them under this because otherwise there was no way of entering them.” Is that true? Will he stick to that? I shall desire to know of his learned Counsel, sometime or other, whether that is a point he will take issue upon—that there was no other way. Your Lordships will see there were other bribes of his which he brought under a regular official charge—namely, Durbar charges; and there is no reason why he should not have brought these under Durbar charges. Therefore, saying there is no other way of entering them but as bonds and deposits is not true.

Then he says, there was no other reason for concealment, because it was avowed. Why, that false deposit is as much concealment as the false bond. For he entered that deposit as his own; but when he had a mind to carry it to the Company's account he knew how to do it, for he took it under a general name, called Durbar charges—a name as large and sufficient to cover any fraudulent expenditure in the account as one would think any person receiving would wish—and he gives no account of the expenditure. So it is not true that he was obliged to enter them as bonds and deposits, because there was no other regular way. The Durbar charges, for the extent of them, were very much his own invention. But you have seen him first guess one thing, then another; give this reason, give another. He seems at last to be satisfied that he has hit upon the true reason of his conduct. Now open the next paragraph and see what it is—

“Although I am firmly persuaded that these were my sentiments on the occasion, yet I will not affirm that they were. Though I feel their

Reasons for entering the sums as a deposit.

Subsequently as Durbar charges.

5 MAY 1780. impression as the remains of a series of thoughts retained on my memory. I am not certain that they may not have been produced by subsequent reflection on the principal fact, combining with it the probable motives of it. Of this I am certain, that it was my design originally to have concealed the receipt of all the sums except the second, even from the knowledge of the court of Directors. They had answered my purpose of public utility, and I had almost totally dismissed them from my remembrance."

Acknowledgment that he had meant to conceal the receipt of the presents from the Directors.

My Lords, you will observe, upon this most astonishing account which he gives here, he first says that several of these sums he meant to conceal for ever, even from the knowledge of the Directors. Look back to his letter of the 16th of December, his letter of the 22d of May, 1781, and he tells you that he might have concealed them, but that he was resolved not to conceal them; he thought it highly dishonourable so to do, because his conscience would have been wounded if he had done it; and that he was afraid that it would be thought this discovery was brought from him in consequence of the Parliamentary inquiries. And here he says of this discovery, which he valued himself upon making voluntarily, that he is afraid it should be attributed to motives of fear. Now at last he tells you, from Cheltenham, when he had just cause to dread the strict account to which he is called this day, first, that he cannot tell whether any one motive which he assigns, either in this letter or in the former, was his own or not: he tells you he does not know whether he has not invented them since, in consequence of a train of meditation upon what he might have done or might have said: and lastly he says, contrary to all his former declarations, that he never meant to give the Directors the least notice. "They had answered my purpose. I had dismissed them from my remembrance." Is this the way in which money is to be received and accounted for? "I intended always to keep them secret, though I have declared to you solemnly, over and over again, that I did not. I do not care how you discovered them, I have forgotten them. I have dismissed them from my remembrance."

"But when fortune threw a sum of money in my way, of a magnitude which could not be concealed, and the peculiar delicacy of my situation, at the time in which I received it, made me more circumspect of appearances, I chose to apprise my employers of it; which I did hastily and generally; hastily, perhaps, to prevent the vigilance and activity of secret calumny; and generally, because I knew not the exact amount of the sum of which I was in the receipt, but not in the full possession. I promised to acquaint them with the result as soon as I should be in possession of it; and, in the performance of my promise, I thought it consistent with it to add to the account all the former appre-

priations of the same kind; my good genius then suggesting to me, 5 MAY 1789. with a spirit of caution which might have spared me the trouble of this apology, had I universally attended to it, that if I had suppressed them, and they were afterwards known, I might be asked what were my motives for withholding part of these receipts from the knowledge of the court of Directors, and informing them of the rest, it being my wish to clear up every doubt—”

I am almost ashamed to remark upon the tergiversations and prevarications perpetually ringing the changes in this declaration. He would not have discovered this 100,000*l.* if he could have concealed it. He would have discovered it lest malicious persons should be telling tales of it. Now he says how much he had reason to value himself upon his precaution. He has a system of concealment. He never discovers anything, but when he thinks it can be forced from him; that malicious men made certain inquiries, and a fear of their misrepresentations drove him sometimes to precaution; and nothing but the impossibility of concealing anything can possibly make him discover it. And in another place he says,—

He avows the receipt of presents only from fear of their being discovered.

“I could conceal these things from you for ever, but my own conscience would not give me leave.”

It is not from openness of heart or honesty, but he is afraid that the magnitude of the sum and the malice of people working upon it might have been the means of discovery.

Oh, my Lords, I am afraid that sums of much greater magnitude have been covered by it. But this 100,000*l.* he declares he would have concealed if he could; and yet he values himself upon his discovery of it.

“it being my wish to clear up every doubt upon this transaction, which either my own mind could suggest, or which may have been suggested by others, I beg leave to propose another question, and to state the terms of it in my reply, by informing you that the indorsement on the bonds was made about the period of my leaving the Presidency, in the middle of the year 1781, in order to guard against their becoming a claim on the Company as part of my estate, in the event of my death occurring in the course of the service on which I was then entering. This, Sir, is the plain history of the transaction. I should be ashamed to request that you would communicate it to the honourable court of Directors, whose time is too valuable for the intrusion of a subject so uninteresting, but that it is become a point of indispensable duty. I must, therefore, request the favour of you to lay it at a convenient time before them. In addressing it to you personally I yield to my own feelings of the respect which is due to them as a body, and to the assurances which I derive from your experienced civilities, that you will kindly overlook the trouble imposed by it.”

5 MAY 1789. Your Lordships see what a civil letter this is. You see what a variety of artifices are in it : you see the variety of styles, and how he turns himself into every shape and every form. Do you find any discovery in this letter ? Do you find any answer to the Directors' letter ? Does he tell you once whom he received the money from ? Does he tell you for what he received it—what the circumstances of the persons were—or any one thing whatever about his mode of accounting for it ? No. And here at last, after so many years' litigation, he is called to account for his prevaricating, false, accounts in Calcutta, and cannot clear them to you.

Evasion of the explanation required by the Directors.

Circum-
stance of
false bonds
taken from
the Com-
pany.

Before he left Calcutta, he says, when he was going up upon the service which he thought a service of danger, he indorsed the false bonds which he had taken from the Company, declaring them to be none of his. You observe that these bonds have been in his hand from the 9th or 15th of January—I am not quite sure of the exact day—to the day when he went upon this service, sometime in the month of July—a service which formerly he had declared he did not apprehend to be of danger, but he found it to be so after. He did, in anticipation of that danger, make this attestation and certificate upon the bonds. Who ever saw it ? Mr. Larkins saw it. Says he, “I gave it Mr. Larkins.” Why, we will show you afterwards that Mr. Larkins deserves no credit upon this business ; that honour binds him not to discover the secrets of Mr. Hastings.

Connivance
of Mr. Lar-
kins, the
accountant
general.

We are very near now coming to the last explanation, and, when you have seen what Mr. Larkins gives, there is an end of all hope. Why did he not deliver them up, when he was going there ? for all pretence of not being the sole concealer himself was then gone, as we shall prove. Why did he not cancel these bonds ? Why keep them at all ? Why not enter truly the state of the account in the Company's records ? Then, “I indorsed them.” “Did you deliver them indorsed into the treasury ?” “No : I delivered them indorsed into the hand of my bribe broker and agent.” “But why not destroy them ? Why not give them up to the Company, and say you were paid ; which would have been the only truth in this transaction ?” “No : I indorsed them.” “If they were indorsed, then why did not you afterwards, during a long period of so many years, cancel them ?” No : he kept them to the very day when he was going from Calcutta, and had made a declaration that they were not his. Never before upon any account

did they appear; and, though the committee of the House of Commons, in the eleventh report, had remarked upon all these scandalous proceedings and prevarications, yet he was not stimulated even then to give up these bonds; he held them in his hand till he was just going away, in spite of the Directors, in spite of the Parliament, in spite of the cries of his own conscience, upon a matter which one would think was grown public, and would knock doubly upon his reputation and conduct.

He then declares they are not for his own use, but the Company's service. Were they then cancelled? I do not find a trace of their being cancelled. I find the following sums, which correspond with the sums and the total of them—except in one instance—which he stated in his letter of May, just as if one had been copied from the other. In this letter of the 17th of January, 1785, he says, with regard to these bonds:—

Declaration that they were for the Company's service.

“The following sums were paid into the treasury, and bonds granted for the same in the name of the Governor General, in whose possession the bonds remain, with a declaration upon each indorsed and signed by him, that he has no claim on the Company for the amount either of principal or interest, no part of the latter having been received.”*

Now the declaration upon oath is added to the account of the 22d of May of the indorsement. Why any man need to declare upon oath that the money which he fraudulently conceals from another person is not his, is the most extraordinary thing in the world. If he had a mind to get credit that it was his, then an oath would be necessary; but in the other case, a man would believe him upon his word. He comes now and says, “This is indorsed upon oath.” Oath before what magistrate? In whose possession were the bonds? Were they given up? No; there is no trace of that upon the record, and it stands for him to prove that they were ever given up, and in any hands but Mr. Larkins', and his. So here is the bond, begun in obscurity and ending in obscurity: ashes to ashes, dust to dust, corruption to corruption, and fraud to fraud.

This is all we see of these bonds, till Mr. Larkins is called to read a funeral sermon over them. Finding that this Cheltenham letter was not only a fraud, but the most impudent fraud that was ever seen, he writes some letter, which does not appear, to Mr. Larkins.

5 MAY 1780. — My Lords, I am come now near the period of this class of Mr. Hastings' bribes. I am a little exhausted. There are many circumstances that might make me wish not to delay for one day the going through at your Lordships' bar this long, intricate scene. We are drawing to a conclusion of it, but my strength fails me before I can conclude it. I hope in a very short time to-morrow, or the next court day, to finish it, and to go directly into evidence, which I long to go into, to substantiate it; but it is necessary that the evidence should be explained.

Mr. Larkins' letter is the epilogue. You have heard as much of the drama as I could go through. Bear with my weakness a little. I have incurred the censure of the prisoner. I mean to increase this by bringing home to him the proof of his crimes, and to display them in all their force and turpitude. It is my duty to do it; I feel it an obligation next my heart.

I am exhausted now. I shall finish it the next time your Lordships sit; and then we shall go directly into the evidence upon the subject.

CONCLUSION OF THE SPEECH OF THE RT. HON.
EDMUND BURKE, MANAGER FOR THE HOUSE OF
COMMONS, IN OPENING THE SIXTH ARTICLE
OF THE CHARGE, RELATING TO PRESENTS ;
7 MAY, 1789.

MY LORDS, when I had the honour last to address you 7 MAY 1789.
from this place, I endeavoured to press upon your minds,
and to fortify it by the example of the proceedings of Mr.
Hastings, that obscurity and inaccuracy in a matter of ac-
count constituted a just presumption of fraud. I showed by
Mr. Hastings' letters that his accounts were confused and
inaccurate. I am ready, my Lords, to admit that there are
situations in which a minister in a great place may use con-
cealment, and it may be his duty to use concealment from
the enemies of his masters; it might be prudent to use con-
cealment from his inferiors in service; it will always be
suspicious to use concealment from his colleagues and co-
ordinates in office. But when, in a money transaction, any
man uses concealment with regard to them to whom the
money belongs, he is guilty of a fraud.

Conceal-
ments in
accounts.

My Lords, I have showed you that Mr. Hastings kept no
account, by his own description, of the moneys that he had
privately taken, as he pretends, for the Company's service,
but, as we have but too much reason to presume, for his own.
We have shown you, my Lords, that he has not only no
accounts but no memory. We have shown that he does not
even understand his own motives; that, when called upon
to recollect them, he begs to guess at them, and his memory
is to be supplied by his guess. So he has no confidence in
his guesses, and he first finds that, after about a year and a
half, or somewhat less, he cannot recollect what his motives
were to certain actions, which, upon the very face of them,
appeared fraudulent. He is called to an account, some years
after. to know what they were, and he makes a just re-
flection upon it, namely, that, as his memory did not enable
him to find out his own motive at that time, it is not to be
expected that it would be clearer a year after. Yet, not-
withstanding this, your Lordships recollect that, in that
Cheltenham letter which is made of no perishable stuff, he
begins again to guess : but, after he has guessed and guessed

Uncertainty
of Mr. Hast-
ings as to
his own
motives for
conceal-
ment.

7 MAY 1789. again, and after he has gone through all the motives he can possibly assign for the action, he tells you he does not know whether those were his real motives or whether he has not invented them since.

Falsification of accounts. In that situation the account of the Company stood, with regard to very great sums which passed through Mr. Hastings' hands, and which he, instead of giving his masters credit for, took credit for to himself, and, being their debtor as he confesses at that time, took a security for that debt as if he had been their creditor. This required explanation. Explanation he was called upon for over and over again. Explanation he did not give, and declared he could not give. He was called upon for it in India, he had not leisure to attend to it there. He was called upon for it in Europe, he then says he must send for it to India.

Your Lordships will constantly remark, through the whole correspondence of Mr. Hastings upon this transaction, the Company's accounts of which he has falsified by entering himself as their creditor, when he ought to have appeared as their debtor, that he appears giving false accounts of this false transaction, and afterwards, upon being pressed to explain himself, he declares he cannot explain himself at all -- with much prevarication and much insolence, too, declaring himself to be guilty. The court of Directors were slow to believe him guilty. Parliament expressed a strong suspicion of his guilt and wished for further information. Mr. Hastings, about this period of time, began to imagine—his conscience told him indeed—a faithful and true monitor, which it were well he had attended to upon many occasions, as it would have saved him his appearance here—his conscience told him he was in great danger from the Parliamentary inquiries that were going on : and, accordingly, the first account that we have of any [promise of explanation], as I can recollect, was about the time that he sent the Patna letter, that is, the letter discovering the bribe which the Nawab of Oude had given him, written at Patna the 20th January, 1782, and referring to a bribe which he had received some months before at Chunar.

Promise of explanation of the bribe from the Nawab of Oude.

Mr. Hastings, you would naturally imagine, would have been in haste to fulfil that promise, especially as he sent an agent expressly to England, which agent entered himself at the India House, and appeared before the committee as an agent sent over to explain whatever might appear doubtful.

in his conduct; and reference was had to Major Fairfax, who was the first agent we have seen in the committee upon that occasion. Major Fairfax, notwithstanding the character in which Mr. Hastings employed him, appeared to be but a letter carrier. He had nothing to say. He gave them no information in the India House at all. To the committee—I can speak with the clearness of a witness—he gave no satisfaction whatever. However, this agent vanished in a moment, in order to make way for another more substantial, more efficient, agent—an agent perfectly known in this country—an agent known by the name given to him by Mr. Hastings—who, like the princes of the east, gives titles—he calls him an incomparable agent, and by that name he is very well known to your Lordships and the world, and he very well executes that commission. This agent was called upon by the committee, and though, I believe, he was here prior to the time of Major Fairfax's arrival in the character of an agent, and for the very same purposes, it does not appear that he had got the smallest degree of instruction to explain any one part of that transaction. He was examined in a committee of the House of Commons, point by point, article by article, to that obscure enumeration of bribes which the court of Directors declare they did not understand; and they could make nothing of Major Scott, Mr. Hastings' agent. He declared he could speak nothing with regard to them, and had received no instruction upon them.

7 MAY 1789.
Major Fairfax sent by him to England to explain.
He is unable to give information.

A second agent—Major Scott.

My Lords, there was but one point which, in the course of examination, we drew out of him, namely, that there was one of these articles, entered in the account of the 22nd of May as a deposit, which Mr. Hastings had received as a bribe from Cheyt Sing. He produced an extract of a letter relative to it, which your Lordships, in the course of this evidence, may see, and which will lead us into a further and more minute inquiry on that head; but not one single article stood explained when that committee made their report in 1783—not one explained to Parliament—not one explained to the Company, except this bribe of Cheyt Sing, which Mr. Hastings never thought proper to communicate to the East India Company, either by himself or, as we could find out, by his agent, any other way than as drawn out by a long examination in the committee of the House of Commons. In spite of the letters he wrote—in spite of the agents he employed—he absolutely and firmly resolved to give his employers no satisfaction upon this business.

7 MAY 1789.

Mode of concealment by pretended discovery.

What is curious in this proceeding is, that Mr. Hastings, all the time he conceals, endeavours to get himself the credit of a discovery. Your Lordships have seen what his discovery is : but Mr. Hastings, among his other very extraordinary acquisitions, has found a more effectual method of concealment through discovery ; and I will venture to say that, whatever might be expected of Mr. Hastings' bribes, there was more effectual concealment, in regard to every circumstance, in that discovery, than if he had kept a total silence. Other means might have been found, but this, standing in the way, prevented the discussion of those means.

Mr. Hastings' letter from Cheltenham.

This continued till the time of the letter from Cheltenham. The Cheltenham letter declared that Mr. Hastings knew nothing of the matter—that he had brought with him no accounts to England upon the subject, and, though it appears by this very Cheltenham letter that he had with him at Cheltenham—-if he wrote the letter at Cheltenham—a great deal of his other correspondence, that he had his letter of the 22nd of May with him, yet any account that could elucidate that letter he declared that he had not ; but he hinted that a Mr. Larkins in India, whom your Lordships will be better acquainted with, was perfectly apprised of all that transaction. Your Lordships will observe that Mr. Hastings has all his faculties, some way or other, in deposit. One person can speak to his memory ; another knows his fortune better than himself : to others he commits the sentimental parts of his defence ; to Mr. Larkins he commits his memory.* We shall see what a trustee of memory Mr. Larkins is, and how far he answers the purpose which might be expected from a man who has no memory himself, or who has left it on the other side of the water, and who leaves it to another man to explain for him accounts which he ought to have kept, and circumstances which ought to be deposited in his own memory.

His reference to Mr. Larkins.

This Cheltenham letter originally appeared, as far as I can discover, to the House of Commons upon a motion of Mr. Hastings' own agent. I do not like to be positive upon that, but I think that was the first appearance of it. It appeared likewise to the public ; for it was thought so extraordinary and laborious a performance—as indeed it

* The irony of this passage was probably suggested by Mr. Sheridan's humorous picture of Mr. Hastings concealing his defence before the House of Commons through a committee of his friends. See vol. i. p. 490.

is—that it might serve to open a new scale of eloquence in the kingdom, and consequently was printed, I believe, at the desire of the parties themselves. But, however, it became known to the public; it raised an extreme curiosity to know that, when Mr. Hastings could say nothing, after so many years, of his own concerns and his own affairs, Mr. Larkins at last would give full satisfaction concerning them. This letter was directed to Mr. Devaynes, Chairman of the court of Directors. It does not appear that the court of Directors wrote anything to India in regard to it; but some private communication passed from Mr. Hastings or his agents to Mr. Larkins, desiring a satisfactory account of that business. There was a general expectation upon this occasion, I believe, in the House of Commons and in the nation at large, to know what would become of this portentous inquiry. Mr. Hastings has always contrived to have half the globe between a question and an answer. When he was in India the question went to him, and then he adjourned his answer till he came to England; and when he came to England it was necessary his answer should arrive from India; so that there is no manner of doubt that all time was given for digesting, comparing, collating and making up, a perfect memory upon such an occasion.

7 MAY 1780.

But, my Lords, Mr. Larkins, who has in custody Mr. Hastings' memory—no small part of his conscience—and all his accounts, did at last, in compliance with Mr. Hastings' desire, think proper to send an account. Then at last we may expect light. Where are we to look for accounts but from an accountant-general? Where are they to be found, unless from him? And, accordingly, when people had been looking into the night of perplexity into which Mr. Hastings' correspondence had plunged them, they looked up to the dawning of that day that was to come from this star. They called for little Lucifer to appear, with his lamp, to dispel the shades of night, and give us some sort of light into this dark, mysterious, transaction. At last the little lamp appeared; Mr. Larkins came forward, and it was laid before the House of Commons, at the motion of Mr. Hastings' friends—for we did not know of its arrival: we have not always in the House of Commons the quickest and most authentic intelligence of what does arrive. At last it arrives here, with all the intelligence he can furnish, all the memory, accuracy and clearness, that can be furnished for him, upon

Mr. Larkins' account.

7 MAY 1780. a business that before was nothing but mystery and confusion.

The letter from Mr. Larkins consisted of two parts: first, what was so much wanted—an account; next, what was very much wanted to such accounts, and most of all to the accounts he sent along with his letter—a comment and explanation. The account consisted of two parts or members: one gave an account of several detached bribes that Mr. Hastings had received, within the course of about a year or a year and a half; and the other of a great bribe which he had received in one gross sum of 100,000*l.* from the Nawab of Oude.

Defectiveness of the account.

Dinagapore bribe.

The first circumstance that appeared to us, upon looking upon these accounts, was, that there was some geography, a little bad chronology, but nothing else in the account; neither the persons who took the money, nor the persons from whom it was taken, nor the ends for which it was given, nor any other circumstance of his bribe transaction than this that I have now before you. The first thing they looked at was Dinagapore. That piece of geography your Lordships are informed of. I believe you know that it is one of the provinces of the kingdom of Bengal. We then have a long series of months with a number of sums added to them, and in the end it is said that, on the 18th and 19th of Asin, meaning September and October, were paid to Mr. Crofts two lacs of rupees, which were taken from a sum of three lacs 6,973 rupees, [and then remains one lac 6,973 rupees, from which were deducted "Charges, 9,310 rupees;" leaving "Balance in charge of G. G. S. 97,663 rupees."]*

After we had waited for Mr. Hastings' own account—after it had been pursued through a series of correspondence in vain—after his agents had come to England to explain it—this is the explanation that your Lordships have got of this first article of the bribe. Dinagapore—not the person paid to; not the person paying; nor any other circumstance that we can get, except the G. G. S. That might serve for George Gilbert Sanders, or any other name you please; and, seeing Crofts above it, you might imagine that it was an Englishman. And this is the only account; which I call a geographical and a chronological account. But, as to the particulars which might tend to give a light into the transaction—who gave—to whom—for what—not one word appears

* Mr. Larkins' letter, with the account, is printed in the "Minutes of the Evidence," p. 117.

in that: and, accordingly, Mr. Larkins appeared, upon the mere face of the account, sadly to disappoint us; and I will venture to say that, compared with any system of account, in any transaction, Bengal bookkeeping is as remote from good bookkeeping as Bengal painches are remote from the rules of all true, good, composition. This account Mr. Hastings did receive. It is called—"Copies of the particulars of the dates [on which the component parts of sundry sums included in the 'Account of sums received on the account of the honourable Company by the Governor General, or paid to their treasury by his order, and applied to their service,' were received for Mr. Hastings, and] paid to the sub-treasurer."

7 MAY 1789.

We have got some light, namely, that one G. G. S. has paid some money to Mr. Crofts for some purpose, but from whom we know not, nor where; that there is a place called Dinagepore; and that Mr. Hastings received some money from somebody in Dinagepore.

The next article is Patna. Your Lordships are not so ill-acquainted with the geography of India as not to know that there is such a place as Patna, nor so ill acquainted with the chronology of it as not to know that there are three months called Baisakh, Asin, and Chait. From Patna Mr. Crofts was paid two lacs of rupees, and there was left a balance of about two more.

Money received from Patna.

When you are hunting to get a good explanation of the proceedings of the month of May, 1782, you receive here by Mr. Larkins' letter, which is dated the 5th August, 1786, this account; which to be sure gives an amazing light into this business. It was worth sending to Bengal for, worth waiting for, with all that anxious expectation with which men wait for great events. Then you have learned that, with regard to the province of Dinagepore, there is a balance in discharge of G. G. S. But, with regard to Patna, we have not even a G. G. S.; we have no sort of light whatever to know through whose hands that transaction passed, nor any glimpse of it. Then you expect to be made amends in the other province, called Nuddea, where Mr. Hastings had received a considerable sum of money. There is the very same darkness: not a word from whom received, by whom received, or any other circumstance—I mean, in the prior transaction—but that it was paid into the hands of Mr. Hastings' white banya, as he was commonly called in that country, into the hands of Mr. Crofts, who was his general agent—

Money received from Nuddea.

7 MAY 1780. his white agent for receiving bribes, for he was very far from having but that one.

Now there is the whole account given, after all this inquiry—after so many severe animadversions from the House of Commons—after all those reiterated letters from the Directors—after an application to Mr. Hastings himself. Upon the face of the account, there is not one single word given in that account which can tend to illustrate the matter. He sums up the whole, and makes out that there was received 5 lacs and 55,000 rupees, that is to say 55,000*l.*, [out of the sum of nine lacs and 50,000 engaged to be paid ; namely,

From Dinagepore	-	-	-	4,00,000
From Nuddea	-	-	-	1,50,000
And from Patna	-	-	-	4,00,000
				<hr/>
				9,50,000]*

Or £95,000

Now you have got full light. Kabuliyat signifies a contract or an agreement. These agreements refer plainly, by the nature of the paper, to the payments that preceded them. That is, there was an agreement, a contract or covenant, to pay—for the word kabuliyat signifies a contract or covenant to pay—Mr. Hastings, as one should think, certain sums of money, and it does not say from whom—there never was such a system of account keeping, except the new system of bribe exchequer bookkeeping—but that such a sum of money was paid, of which there remains such a balance. When you come and compare the money received by Mr. Crofts with these kabuliyats, you find that the kabuliyats amount to 95,000*l.*, and that the receipt has been about 55,000*l.*, and that, upon the face of this account, there is 40,000*l.* somewhere or other unaccounted for.

After finding this account—which your Lordships see is so luminous, so satisfactory, so clear, that it ought to come from a great accountant and a great financier, establishing a new system of finance, to recommend it to the world above all the old-fashioned foolish establishments, the Exchequer and Bank of England,—your Lord-

Conceal-
ment of
names of
persons
from whom
the moneys
were re-
ceived.

* Supplied from revised copy. See account printed in the "Minutes of the Evidence," p. 1157.

ships will see what lights are received from Mr. Hastings. 7 MAY 1789.
However it does so happen that, from these obscure hints we have been able to institute examinations, that have discovered such a mass of fraud, guilt, corruption and oppression, as probably never existed since the beginning of the world; and that, out of that darkness, we hope and trust the diligence and zeal of the House of Commons will give such light and discovery of his base crimes that, after all his prevarication—and at last dying in the last dyke of prevarication—all that artifice will not be able to secure him from the siege which the diligence of the House of Commons has laid to his corruptions.

Discovery made by parliamentary investigations.

You are to remark from Mr. Larkins' letter, which, though it stands last in the paragraphs, is the first in principle, that he perorates, as is natural, upon such an occasion. After giving the comment of this account, he makes a peroration, as is usual in perorations, somewhat in favour of the parties speaking it, and *ad conciliandum auditorem*, with which he both begins and ends. But Mr. Larkins, after giving this account which is so brilliant and luminous as an account, remarks in the nineteenth paragraph,—

Mr. Larkins' letter.

“ Conscious that the concern which I have had in these transactions needs neither an apology nor an excuse ”—

that is rather extraordinary too—

“ and that I have in no action of my life sacrificed the duty and fidelity which I owed to my honourable employers, either to the regard which I felt for another or to the advancement of my own fortune, I shall conclude this address, firmly relying upon the candour of those before whom it may be submitted for its being deemed a satisfactory as well as a circumstantial compliance with the requisition in conformity to which the information it affords has been furnished ”—*

now he means through the whole course of the letter, as your Lordships will see, in compliance with the requisition, and in conformity to the information he had been furnished with by Mr. Hastings,—

“ without which it would have been as base as dishonourable [for me spontaneously to have afforded it. For though the duty which every man owes to himself should render him incapable of making an assertion not strictly true, no man actuated either by virtuous or honourable sentiments could mistakenly apprehend that, unless he betrayed the confidence reposed in him by another, he might be deemed deficient in] fidelity to his employers.” *

* Letter from Mr. Larkins to the Chairman of the East India Company, dated the 5th of August, 1786.—Printed in the “Minutes of the Evidence,” p. 1156.

7 MAY 1789.

His avowal
of considering
it a point
of honour
to screen Mr.
Hastings.

My Lords, here is, in my opinion, a discovery very well worthy your Lordships' attention. Here is the accountant general of the Company, who declares and fixes it as a point of honour that he would not have made a discovery so important to them, if Mr. Hastings himself had not authorised him to make it ; that he considers himself bound by his honour to adhere to that point. Let us see what becomes of us when the principle of honour is so debauched and perverted. A principle of honour, as long as it is connected with virtue, adds no small efficacy to its operation, and no small brilliancy and lustre to its appearance. But honour, the moment it becomes unconnected with official function, with the relations of life, and the eternal and immutable rules of morality, and appears in its substance alien to them, changes its nature, and, instead of qualifying it, aggravates all its mischiefs to an almost infinite degree. By the apparent lustre of the surface it hides from you the baseness and deformity of the ground. Here is Mr. Hastings' agent, Mr. Larkins, the Company's general accountant, prefers his attachment to Mr. Hastings to his duty to the Company. Instead of the account he ought to give to them, in consequence of the trust reposed in him, he thinks himself bound by honour to Mr. Hastings that, if Mr. Hastings did not call for that explanation, he would not give it ; so that, whatever obscurity is in this explanation, it is because Mr. Hastings did not authorise or require him to give a clearer. Here is a principle of treacherous fidelity, of perfidious honour, of the faith of conspirators against their masters, the faith of robbers against the public, held up, against the duty of an officer in a public situation ; and I am sure that, if you do not destroy this honour of conspirators and this faith of robbers, there will be no other honour and no other fidelity among the servants in India.

Various
agents em-
ployed by
Mr. Hastings
in receiving
bribes.

You see how they are bound to one another, and how they give their fidelity to keep the secrets of one another, to prevent the Directors having a true knowledge of their affairs. You Lordships will see, Mr. Larkins has adhered to the principle of secrecy ; but you will see that Mr. Hastings had as many bribe factors as bribes. There was confidence to be reposed in each of them ; and not one of these men appear to be in the confidence of another. You will see in this letter the policy, the frame, and the constitution, of this new exchequer. Mr. Crofts seems to have known things which Mr. Larkins did not. Mr. Larkins knew things which

Gunga Govind Sing did not; Gunga Govind Sing knew things which none of the rest of the conspirators knew. It appears that Cantoo Baboo, who appears in this letter as a principal actor, was in a secret which Mr. Larkins did not know. It appears likewise that a Persian munshi was in a secret in which Cantoo Baboo was not; and it appears that there was Mr. Palmer in the secret of a transaction in which none of the rest were. This is the labyrinth of this practical painche or screw, that if you were to trace, suppose, something through Major Palmer, and it stopped there, you could not go further; for another transaction began with Cantoo Baboo. If you were able to penetrate into the dark recess of the black breast of Cantoo Baboo, it could not go further; for it began with Gunga Govind Sing. If you pierce the breast of Gunga Govind Sing, then it is a Persian munshi. If you go beyond this, you find Mr. Larkins knew something that the others did not; and at last you find Mr. Hastings did not put a confidence in either of them. You will see by this letter that he kept his accounts in all colours—black, white and mezzotinto; that he kept them in all languages—in Persian, in Bengali, and in such language as I believe is neither Persian nor Bengali, nor any other language in the world, but it was the language that Mr. Hastings found proper to keep his accounts and to transact his business in.

Now, I am to make good to your Lordships these propositions, and to make some remarks, to see how far the memory, observation and knowledge, of the person referred to can supply the wants of Mr. Hastings.

[These accounts come at last, though]* very late, from Mr. Larkins, who I will venture to say—let the banyas boast what they will—has skill, perhaps, equal to the best of them. However, he begins by explaining to you something concerning the present of the ten lacs. I wish your Lordships always to take Mr. Hastings' word to it, where it can be had, or Mr. Larkins', who was the representative of and memory keeper to Mr. Hastings, and then I may, perhaps, take the liberty of making some observations upon it.

Dissection
of Mr. Lar-
kins' letter.

“Extract of a letter from William Larkins, accountant general of Bengal, to the Chairman of the East India Company; dated 5th August 1786:—

“Mr. Hastings returned from Benares to Calcutta on the 5th February 1782: at that time I was wholly ignorant of the letter which

* Supplied from revised copy.

7 MAY 1789. on the 20th January, he wrote from Patna to the secret committee of the honourable court of Directors. The rough draft of this letter, in the handwriting of Major Palmer, is now in my possession. Soon after his arrival at the Presidency, he requested me to form the account of his receipts and disbursements, which you will find journalized in the 280th and 307th pages of the honourable Company's general books of the years 1781-2. My official situation as accountant general had previously convinced me that Mr. Hastings could not have made the issues, which were acknowledged as received from him by the accounts of some of the paymasters to the army, unless he had obtained some such supply as that which he afterwards, viz., on the 22d of May, 1782, made known to me; when I immediately suggested to him the necessity of his transmitting that account which accompanied his letter of that date, till when, the promise contained in his letter of 20th January had entirely escaped his recollection. ***

Conceal-
ment from
Mr. Larkins
of the
sources
from which
the money
was re-
ceived.

The first thing I would remark upon this—and I believe your Lordships have rather gone before me in the remark—is, that Mr. Hastings came down to Calcutta on the 5th of February; that then, or a few days after, he calls his confidential friend and faithful secretary—not in office, for he trusted none of his regular secretaries with these transactions—he calls him to him to help him make out his accounts during his absence. You would imagine that at that time he trusted this man with account. No such thing. He goes on with the accountant general, accounting with him for money expended, without ever explaining to that accountant general how that money came into his hands. Now you see the accountant making out the account and the person accounting. The accountant does not by any manner of means make an objection and say—"Here you are giving me an account by which it appears that you have expended money, but you have not told me where you received it; how shall I make out a fair account of debtor and creditor between you and the Company?" No such thing. There lies a suspicion in his breast that Mr. Hastings must have taken some money in some irregular way, or he could not have made those payments. Mr. Larkins begins to suspect him. "Where did you lose this bodkin?" said a lady upon a certain occasion. "Pray, madam, where did you find it?" And Mr. Hastings, at the very moment of his life when he required confidence; even when making up his accounts with his accountant, never told him one word of the matter. You see he had no confidence in Mr. Larkins. This makes out one of the propositions I want to impress upon your Lordships' minds - that no one man did he let into

any part of his transactions : a material circumstance, which will help to lead your Lordships' judgment in forming your opinion upon many parts of this cause. You see that Mr. Larkins suspected him. Probably in consequence of those suspicions, or from some other cause, he at last told him, upon the 22d May, 1782—but why at that time rather than at any other time does not appear, and we shall find it very difficult to be accounted for—that he had received a bribe from the Nawab of Oude of 100,000*l*. He informs him of this on the 22d of May, which, when the accounts were making up, he conceals from him ; and he acquaints him with the rough draught of the letter to the court of Directors, informing them that this was made, not by any known secretary of the Company—not passing through any interpreter of the Company—not passing through any one official channel whatever—but through a gentleman much in his confidence, his military secretary ; and, as receiving bribes and receiving letters concerning them, and carrying on correspondence relative to them, is a part of military duty, this military secretary had the rough draught of this letter. And then it rushes all at once upon Mr. Larkins, who had a memory ready to explode at Mr. Hastings' desire :—" Good God !" says he, " you have promised the Directors an account of this business." " Upon my word," says Mr. Larkins, " it had entirely escaped his recollection." Now Mr. Larkins knows Mr. Hastings' recollection ; he knows what does and what does not escape him ; for he says that, till that time, it had entirely escaped Mr. Hastings' recollection. Mr. Hastings had totally forgot the promise relative to the paltry sum of 100,000*l*. which he had made to the court of Directors in the January before ; he never once thought of it, no, not even when he was making up his accounts of that very identical sum, till the 22d of May, and then Mr. Larkins put him in mind of his promise, which had entirely escaped his recollection. So that these persons answer for one another's bad memory ; and you will see they have good reason. Here is Mr. Hastings' want of recollection in things of some moment. However lightly Mr. Hastings considers the sum of 100,000*l*.—which I dare say he does—considering the enormous sums he has received—he totally forgot it ; he knew nothing about it. Only, observe what sort of memory has the register and accountant of such sums as 100,000*l*. In what

7 MAY 1780.

Subsequent
acknow-
ledgment to
him of the
receipt of
100,000*l*.
from the
Nawab of
Oude.

Mr. Hastings
reminded
by Mr.
Larkins of
his promise
to account
to the Di-
rectors.

7 MAY 1789. confusion of millions must it be that such sums can be lost to Mr. Hastings' recollection ! However, he did recollect it, and he thought that it was necessary to give some account of it. Let us see who were his accountants. His memory was no accountant. One should be astonished that a man has had 100,000*l.* in his hands and laid it out, as he pretends, in the public service, and has not a scrap of paper to show for it. No Major Palmer ; no ordinary or extraordinary account of it. Well, what shall we do in such circumstances ? Mr. Hastings had forgot the matter ; he had dismissed it—as he uses the expression happily in the Cheltenham letter—from his memory. However, he calls back that dismissed servant into his memory, and desires it to enter into office again. But Mr. Hastings is at a loss, and he cannot ; and, accordingly, he sends for a person, whose name you have heard and will often hear of—the faithful Cantoo Baboo. This man comes to Mr. Larkins, and he reads him—be so good as to remark the words—from a Bengal paper, the memorandum of the detached bribes. Your Lordships observe, I have stated a number of detached bribes and a great body of bribes : one the great *corps d'armée* ; the other flying, scouting, bodies, which were only to be collected together by a skilful man, knowing how to manage them and regulate the motions of those wild and disorderly troops. But the first paper—whose hands was it in ?—any accountant's in England ? No. In the hands of Mr. Crofts or any Englishman ? No ; in the hands of Cantoo Baboo. In what language ? In Bengal language. When he came to apply to No. 2, Cantoo Baboo failed. He was not worth a farthing for any transaction that happened when Mr. Hastings was in the upper provinces, where he was his faithful and constant attendant through the whole : he could give no account of this. Mr. Hastings' munshi reads three lines from a paper to Mr. Larkins. Now it is no way insinuated that both the Bengal and Persian papers did not contain the account of other immense sums ; and, indeed, by the reading only of three lines from one of the Persian papers, your Lordships will be able in your own minds to form some judgment upon this business. Here are three persons carrying on the account—Mr. Larkins, an Englishman ; Cantoo Baboo, a Gentu ; and a Persian munshi, probably a Mohammedan. So all languages, all religions, all descriptions of men, are to keep the account of these bribes, and to make out this

His efforts
to recover
the circum-
stances.

Memoranda
kept by
Cantoo
Baboo, Mr.
Crofts and
a munshi.

valuable account which Mr. Larkins gave you. Now I shall ^{7 MAY 1789.} read what he himself says:—

“The particulars of the paper No. 1 were read to me from a Bengal paper by Mr. Hastings’s banyan Cantoo Baboo; and, if I am not mistaken, the three first lines of that No. 2 were read over to me from a Persian paper by his moonshy. The translation of these particulars made by me was, as I verily believe, the first complete memorandum that he ever possessed of them in the English language; and I am confident that, if I had not suggested to him the necessity of his taking this precaution, he would, at this moment, have been unable to have afforded any such information concerning them.”*

Now, my Lords, if he had not got, at the intimation of Mr. Larkins, some scraps of paper, without any ever occurring to his own mind and his own recollection, your Lordships might have at this day wanted that valuable information which Mr. Larkins has laid before you—that he had no account of them at all in the English language. Have any of them a complete account in the Bengal language? No: some are in the Bengal language, others in the Persian: and Mr. Larkins says this was the first complete—account, do you imagine?—no, the first complete memorandum. You would have imagined that Mr. Hastings had notched down, somewhere or other, in shorthand, in Persian characters—short, without vowels—or in some other way, memorandums; but he had not even a memorandum of this business, and, consequently, when he was at Cheltenham, and here at your bar, he could never have had any account of a sum of 200,000/., but by this account of Mr. Larkins, taken as people read them from detached pieces of paper.

No other accounts preserved of the moneys received.

This is the mode of Mr. Hastings’ accounting in this new exchequer. First, Mr. Hastings has no memory of it. Mr. Larkins reminds him of something of it, and he was obliged to a Persian munshi to come and read him some memorandum, or he might to this day have known nothing of the matter. One should have expected that Mr. Larkins that day, being warned and cautioned by the strange memory of Mr. Hastings, and the danger in which he might be if left in such a situation, would at last have been very cautious. No such thing. I will show your Lordships how Mr. Larkins comes to be able to furnish this by his own account—

“But as neither of the other sums” (meaning the sums I mentioned) “passed through his hands, [these contained no such specification, and,

* Extract of Mr. Larkins’ letter of the 5th of August, 1786, referred to above.

7 MAY 1789. consequently, could not enable him to avoid the information with which he has requested me to furnish you : and it is more than probable that, if the affidavit which I took on the 16th of December, 1782, had not exposed my character to the suspicion of my being capable of committing one of the basest trespasses upon the confidence of mankind, I should, at this distance of time, have been equally unable to have complied with his request ; but, after I became acquainted with the insinuation suggested in the eleventh report of the Select Committee of the House of Commons, I thought it but too probable that, unless I were possessed of the original memorandums which I had made of these transactions, at the time when I became acquainted with them, I might at some distant period be unable, that I had not descended to commit so base an action ; I have, therefore, always most carefully preserved every paper which I possessed] regarding these transactions.”*

Account
obtained by
inquiries of
the House
of Commons.

You see that Mr. Hastings had no memorandums ; you see that, after Mr. Larkins had made his memorandums of them, he had no design of guarding or keeping them ; and you will commend those wicked and malicious committees who, by their reports, have told an accountant general and first public officer that it was necessary, to guard his character from their suspicions, that he should keep some paper or other of an account. We have heard of the base, wicked and mercenary, licence that has been used by these gentlemen of India towards the House of Commons—that licence by which they have attempted, through the very means by which the people ought to be informed, to buy them into darkness and delusion. These means they have used to libel and traduce the diligence of the House of Commons and the fidelity of their actions ; when the accountant general declares that, if they had not suspected him of perjury, he never might have had that account at all to present to them.

Here is an account which first Mr. Hastings knows nothing of—which his different secretaries might never have given an account of—which Mr. Hastings never kept himself—and of which Mr. Larkins tells you that, if it had not been that the House of Commons expressed, as they ought to express, much diffidence and distrust respecting that transaction, at this very day that man would not have had a scrap of paper to have given to you. He would have turned them to the basest and most infamous of uses, if we had not saved these valuable fragments by suspecting his integrity. Your Lordships see, suspicion is of some use ;

* Extract from Mr Larkins' letter referred to above

and I hope the world will learn that punishment will be of use too in preventing these transactions. 7 MAY 1789.

Now your Lordships see what this policy is. You see no two persons knew any thing of these transactions. You see that complete memorandums of transactions of very great moment, and some of them that had passed in the year 1779, were not even so much as put in the shape of complete memorandums until May, 1782. You see that Mr. Hastings would never have kept them; that there is no reason to imagine that a black banya and a Persian munshi would have been careful of what Mr. Hastings himself was not careful, as he did not seem to stimulate his accountants to a vast deal of exactness and a vast deal of fidelity. You see that Mr. Larkins, our last, our only, hope, if he had not been suspected by the House of Commons, probably would never have kept these papers. You could not have had even this valuable cargo, such as it is, if it had not been for the circumstance Mr. Larkins thinks proper to mention. We shall go on a little with Mr. Larkins. The first papers that were read to him, and from whence he took his notes, were papers of Cantoo Baboo. They were detached papers, amounting in the whole, with the kabuliyat or agreement, to about 95,000*l.*, of which it appears that there was received by Mr. Crofts 55,000*l.*, and no more. Now, will your Lordships be so good as to let it rest in your memory what sort of an exchequer this is, even with regard to its receipts—for we have given a specimen of its accounts—its vouchers, checks, and counter checks. Your Lordships observe, the accounts are kept in a manner that there is no describing, and the checks and counter checks, instead of being put upon one another to prevent abuse, are put upon each other to prevent discovery and to fortify abuse. When you hear that one has an account of expenditure, another of control, you say that office is well constituted. But here is an office constituted by different persons, without the smallest connection with each other; for the only purpose which they have ever answered is the purpose of base concealment.

As your Lordships have seen the economy and constitution of this office, now see the receipt. In the month of May, 1782, out of the sums beginning to be received in the month of Shawal, that is in July, 1779, your Lordships know that there was, during that period of time, 40,000*l.* out of 95,000*l.* sunk somewhere, in some of the turnings over

Recapitulation.

Deficiency of 40,000*l.* in a sum due from Gunga Govind Sing

7 MAY 1789. upon the gridiron, through some of those agents and panders of corruption which Mr. Hastings uses. Here, in the valuable revenue of the Company which is to supply them in their exigencies, which is to come from sources which otherwise never would have yielded it, which, though small in proportion to the other revenue, yet is a diamond—something that by its value makes amends for its want of bulk—here is a loss of 40,000*l*. Any man, though he has no more sense than Mr. Hastings has, who wants all the faculties of the human mind--who has neither memory, judgment, nor any thing else—even a man pretending to be that poor half-idiot creature that Mr. Hastings pretends himself to be, would not engage in a dealing that was to extort 95,000*l*. upon an agreement with somebody or other which was not worth more than 55,000*l*. Here is a system made for fraud and producing all the effects of it. Upon the face of this account, the agreement was to yield to Mr. Hastings, some way or other, to be paid to Mr. Crofts, 95,000*l*, and he was 40,000*l*. deficient. What is become of it? Is it in the hands of his wicked bribe brokers or in his own hands? Is it in arrear? Do you know any thing about it? Whom are you to apply to for your information? Why to G. G. S. G. G. S. I find to be indeed, what I suspected him to be, a person that I have mentioned frequently to your Lordships, and that you will often hear of, commonly called Gunga Govind Sing—in one short word, the wickedest of the whole race of banyas: the consolidated wickedness of the whole body is to be found in this man.

You would imagine that, upon some explanation of these sums, you would have heard that there was an agreement made on the part of Mr. Hastings, through Gunga Govind Sing, with somebody or other, for the first sum which is said to be transacted by Gunga Govind Sing, amounting on the kabuliyat to four lacs, and of which no more than two lacs had been received; that is to say, half of it sunk. We have this memorandum only :—

“ Although Mr. Hastings was extremely dissatisfied with the excuses Gunga Govind Sing assigned for not paying Mr. Crofts [the sums stated by the paper No. 1 to be in his charge, he never could obtain from him any further] payments on that account.”*

* Extract from Mr. Larkins' letter of the 5th August, referred to above

Mr. Hastings is exceedingly dissatisfied with those excuses, 7 MAY 1789.
 and there is the whole account of the transaction. He gave Mr. Hastings' conduct towards Gunga Govind Sing.
 him half, and he was so exceedingly dissatisfied that he did
 not give him the other half that you would have imagined
 a breach would have immediately ensued between them;
 nor it appears that, by this account—for that is the only
 thing he has said of Gunga Govind Sing—he does not state
 how he came to be employed, and for what he was employed.
 But you are to be told that Mr. Hastings was exceedingly
 dissatisfied with Gunga Govind Sing for not paying him the
 money that he ought to have paid, especially as it appears
 by the transaction that he had received 10,000*l.* of the
 money which he did not account for, and pretended an arrear
 of the rest, as far as we can make our way through this
 darkness. So here Mr. Hastings' bribe agent admits that he
 had received 10,000*l.* He will not account for it. He pre-
 tends there is an arrear of another 10,000*l.*; and by that
 means he is enabled to take from somebody at Dinagepore,
 a kabuliyat, 40,000*l.*, of which Mr. Hastings can get
 at 20,000*l.* There is *cent. per cent.* loss upon it. He is
 angry with Gunga Govind Sing.

I shall not anticipate what some of my honourable friends
 will bring before your Lordships upon this commission; but
 tell you that, so far from quarrelling with Gunga Govind
 Sing or being angry with him, it is a little pettish love
 quarrel with Gunga Govind Sing: *amantium iræ amoris*
integratio est: for Gunga Govind Sing, without paying him
 the shilling of this money, attended him to the Ganges; and
 one of the last acts of Mr. Hastings' government was to
 present this man, who was unfaithful even to fraud—who
 did not keep the common faith of thieves and robbers—this
 very man he recommends to the Company as a person who
 ought to be rewarded as one of their best and most faithful
 servants. After this transaction and after this fraud, how
 does he recommend him to be rewarded? By giving him
 the estate of another person; the way in which Mr. Hastings
 desires to be always rewarded himself. Afterwards he calls
 upon the Company's justice to give him some money for
 expenses which he never charged to them; he desires them to
 sign him the money upon some person of the country. So
 here Mr. Hastings, after this, recommends him, not only to
 trust, confidence and employment, which he does very fully,
 but to a reward taken out of the substance of other people.
 This is what Mr. Hastings has done with Gunga Govind

Recom-
 mends him
 reward.

7 MAY 1789. Sing ; and, if such are the effects of his anger, what must be the effects of his pleasure and satisfaction ? I say that Mr. Hastings could not have so recommended him after this known fraud, in one business only of 20,000*l.*—he could not so have supported him—he could not so have caressed him—he could not so have employed him, being in fact one of the last men he saw in India—he could not have done this, unless he had paid to Mr. Hastings privately that sum of money which never was brought into any even of these miserable accounts ; unless he paid him that money, without which he neither ought or was to be satisfied ; or had some honourable secret to tell of him on account of which Mr. Hastings did not dare to provoke him to give a just account of the matter ; or unless the agreement between them originally was for half or a third of this to go to Gunga Govind Sing.

Inference of
collusion.

This is the patriotic scheme of bribery—the public-spirited corruption—which Mr. Hastings uses upon this occasion, by which he thinks, out of the vices of mankind, to draw a better revenue than out of any legal source whatever ; and, therefore, he has resolved to become the most corrupt of all Governors General, in order to be the most useful servant to the finances of the Company. So much as to the first article of Dinagapore pesheush. All you have is, that G. G. S. is Gunga Govind Sing ; that he has cheated the public of half of it ; that Mr. Hastings was angry with him, and yet went away from Bengal rewarding, praising and caressing him. Let these things pass ? They cannot pass with your Lordships' sagacity. I will venture to say that no court, even of *pie-poudre*, could help finding him guilty upon such a matter, if such a court had to inquire into it.

10,000*l.* due
from Patna ;
only half of
it received.

The next article is Patna. Here he was to receive 40,000*l.* too ; but from whom, this deponent sayeth not. This Mr. Larkins, who is a famous deponent, never hints once. You may look through the whole letter—it is a pretty long one. I will save your Lordships the trouble of hearing it now, because you will have it before you when you come to the Patna business. You will find somebody engaged with him for 40,000*l.*, and which was but half received. You want an explanation of this. You see the kind of explanation you have of Gunga Govind Sing, which is a conjectural explanation of G. G. S. But, when you come to that—who that person was—why it was not paid—what the cause of failure was—you do not know ; you only own that there was that sum deficient and Mr Larkins,

who is our last resort and final hope of light into this transaction, gives not the smallest glimpse of light upon it through the whole business. We, in the House of Commons, have been reduced to form proper, legitimate, conjectures upon this business, and those conjectures have led us to further evidence, which will enable us to fix one of the most scandalous and most mischievous bribes upon Mr. Hastings, from the circumstances of it, that were ever known. But here you see nothing but concealment of it; for, if he took 40,000*l.* from the Company's servants, here is another failure of half the money. 7 MAY 1789.

Oh, my Lords, you will find that that failure was bought with the loss of one of the best revenues in India, and with the grievous distress of a country that deserved well your protection, instead of being robbed to give 20,000*l.* to the Company, and another 20,000*l.* to some robber or other, black or white. When I say given to some other robber, black or white, I do not suppose that there is any friendship, generosity or communion, between white men and black. No: their colours are not more adverse than their characters and tempers. There is not that *idem velle et idem nolle*; there are not the same habits of life: even the common binding of the most ordinary society, mutual motives, does not exist between them. It is a money dealing, and money dealing only exists among them; and when you hear that a black man is favoured, and that a pretence is made, and that 20,000*l.* is left in his hands, do not believe it—you cannot believe it; for we will bring evidence to show that friendship between these people is nothing; that, when they give money to a white man, it is a bribe, and when to a black man, he is a sharer in those infamous profits. No friendship between black men and white.

We find somebody else anonymous with 20,000*l.* more in his hands; and when we come to discover who the man is, and what the balances of the Company were, you will find that this 20,000*l.* was bought at such a compound interest as was never attempted in any bargain. The most violent, griping, usurer, in dealing with the most extravagant heir, never made such a bargain as Mr. Hastings has made for the Company by this bribe. Therefore it could be nothing but fraud that could have got him to have undertaken such a revenue. That shows you that it is a pretence to cover fraud, and not a weak attempt at raising a revenue; and that he was not that idiot that he represents himself to be, forgetting all his duty, all his offices, his own affairs and the public affairs; that he does not forget to make a bargain, to The difference lost by dealings of Mr. Hastings with usurious agents.

7 MAY 1859. get money; but when the money is to be recovered, as he says, for the Company, he forgets to recover it: so that the accuracy by which he begins a bribe, and the carelessness with which he ends it, *acribus initiis et soporosa fine*, are things that characterise, not weakness and stupidity, but fraud.

Money due from Nundulol.

Backwardness of the Directors in investigating these transactions.

The next we proceed to is Nuddea. Here have we more light? Does Mr. Larkins anywhere tell you anything about Nuddea? No; it appears as if it had been paid up; that the kabuliyat and payment answer and tally; but, when we come to examine evidence upon these parts, you will see most abundant reasons to be assured that there is much more concealed under this—that it is an account current and not an account closed, and that it is for some other and greater sum than appears. Who has received it? Who is to answer for it? Suppose the Company were to inquire of Mr. Hastings. Not that they would make any inquiry at all; they are not the kind of people. You would imagine that a mercantile body would have some of the mercantile excellencies, and even you would allow them, perhaps, some of the mercantile faults; but they never inquired into them. They have, like Mr. Hastings, forgotten totally the mercantile character, and, accordingly, neither accuracy of account nor fidelity of account do they ever require of Mr. Hastings. They have too much confidence in him, and accordingly he acts like a man in whom such confidence without reason is reposed.

Received from Nundulol.

Character of Nundulol.

But, to ask—whom did he get it from? Was it an act of friendship and generosity from these people of the country? No; we shall find out and prove from whom he got it; at least, we shall produce such a conjecture upon it as your Lordships will think us bound to do, when we have such an account before us. Here there is no deficiency. But, when we look into this account, we find skulking in a corner a person called Nundulol; from him there are 58,000 rupees. Referring back to May, we see this little child in a corner. You will find that he who appears to have paid up this money, and which Mr. Hastings spent as he pleased in his journey to Benares, this man had a trust in him; that he is the wickedest of men next to those I have mentioned—always giving the first rank to Gunga Govind Sing, the second to Deby Sing, the third to Cantoo Baboo. This man is fit to be one next on a par with them. They are *primi inter pares*; rather like a person that has a lead in the same rank than any difference in them. And Mr. Larkins, when he comes to explain this, “I believe it is for a part of the Dinagepore *cashierah* which would reduce it to about 5,000*l.*,” but he

Mr. Larkins' account.

does not pretend to know what it is given for. He gives ^{7 MAY 1793.} several guesses at it; "but, as I do not know, I shall not pretend to give more than my conjecture upon it." He is in the right; because we shall prove he never did have anything to do with the Dinagapore peshcush. These are very extraordinary proceedings. It is my business simply to state them to your Lordships now. We will give them in afterwards in proof, to let them be confirmed and fortified by further observations; and, lastly, submit to your Lordships' judgment the whole of this treacherous mode of accounting.

One of the objects of this account is to illustrate these bonds. He says, the two first stated sums, namely Dinagapore and Patna, in the paper marked No. 1, I suppose—for he seems to explain it to be such—are sums for which Mr. Hastings took two bonds, viz,—

"No. 1539, dated 1st October, 1780, and No. 1540, dated 2nd October, 1780, each for the sum of current rupees 1,16,000, or siccas one lack, were granted. The remainder of that amount was carried to the credit of the head of *Four per Cent. Remittance Loan*; Mr. Hastings having taken a bond, No. 89, which has been since completely liquidated conformably to the terms of that loan."*

The first thing that I have to remark in this sentence is, the most extraordinary instance of fraudulent accuracy, or shameful official inaccuracy, that ever I discovered in any paper I have seen. The first sums are asserted to be paid to Mr. Crofts on the 18th and 19th of Asin, 1187. The month of Asin corresponds with the month of September and part of October, and not with November; and it is the more extraordinary that Mr. Larkins should mistake this, because he is in an office which requires monthly payments, and consequently great monthly exactness, and a continual transfer from one month to another. We cannot suppose that any accountant in England, of any name or character, can be more accurate in his accounts of the months than Mr. Larkins can be of the comparative state of a Bengal and an English month. Mr. Larkins has thought proper to tell you that they were received in November. The thing answers perfectly well with another state of the transaction given by Mr. Hastings, namely, the time of his taking the bonds being the 1st and 2nd of October; and, therefore, Mr. Larkins is totally mistaken, who has thought proper to say

False statement of time of payment.

* Mr. Larkins' letter of the 5th August, paragraph 9.

7 MAY 1780. that they were in the month of November. First, here is a gross inaccuracy. If you have a poet—if you have a politician— a moralist—inaccurate, these are things where the shallow bounds of things do not perhaps admit of accuracy; but what is an inaccurate accountant good for? “Silly man that dost not know thy own silly trade!” The trade is not silly. You do not praise an accountant for being accurate, because you have thousands of them, but you blame a public accountant who is guilty of a gross inaccuracy. Well then, what end could his being inaccurate answer? Why not name October as well as November? I know no reason for it, but here is certainly a gross mistake: I believe, from the nature of the thing, not merely a mistake. But, suppose he did put November by mistake instead of October—take it that it is a mistake and to have nothing of fraud but mere carelessness, which in a man valued by Mr. Hastings for being very punctilious and accurate is extraordinary—we find that this bond was taken in the month of Shawal, 1186, or 1779, but the receipt is said to be in Asin, 1780; that is to say, there was a year and about three months between the collection and the receipt; and, during all that period of time, an enormous sum of money had lain in the hands of Gunga Govind Sing, to be employed when Mr. Hastings should think fit. He employed it, he says, for the Mahratta expedition. He began that letter on the 29th of November, by telling you that the bribe would not have been taken from Choyt Sing, if it was not by the instigation of the exigency to supply money, lawful or unlawful. But here was no exigency for it before the Berar army came upon the borders of the country: that army which he invited by his careless conduct to the Raja of Berar, and which he was obliged to buy off by a sum of money. This must have been before he had any occasion for it; and you find a fund lay in Gunga Govind Sing’s hands. He then applies to it a part of a fund that he must have taken without any view whatever to the Company’s interest. It is the more extraordinary because, though I find here the times of the receipt, I have not the date of the agreement when it was made. I find the first receipt to be some time in the year 1779. It was but a year before, so far from the Company being in distress, he declared he should have, at very near the period when this bribe became payable, a large sum. I cannot certainly tell when the agreement was made, yet I shall lay open something very extraordinary upon that, and

The sum
stated to
be in Gunga
Govind
Sing’s
hands.

will lead you step by step to the bloody scenes of Deby Sing. When Mr. Hastings was carrying on these accounts, he was carrying them on without any reference to the object to which he applied them. It was an old premeditated payment. It could not be paid for an exigency, because it was to be paid by instalments. Look at the next, that was likewise paid in kabuliyats. He had no momentary exigency to supply with a sum of money, but it was paid regularly, period by period, as a constant uniform income, to Mr. Hastings.

You find Nuddea the same. You find Mr. Hastings first leaving this sum of money for a year and three months in the hands of Gunga Govind Sing; then, by an exigency pressing him, by the Mahrattas suddenly invading Bengal, when obliged to refer to his bribe fund, he finds that fund empty, and he takes a bond for two thirds of his own money and one third of the Company's. Now, what I stated before, Mr. Larkins proves of one of these accounts that he took, in the month of January, for this bribe money, which, according to the principles he lays down, was the Company's money, he took for that three bonds, as for money advanced from his own cash. Here, instead of having it all for his own, as it should appear to be in the month of January when he took the bonds, or two thirds his own and one third the Company's, as he said in his letter of the 29th of November—it now turns out, by Mr. Larkins' account, paragraph ninth, which I wish to mark to your Lordships, that it was two thirds the Company's money and one third his own; and yet it is all confounded under bonds, as if the money had been his own. What can you say to this heroic sharper disguised under the name of a patriot, when you find him to be nothing but a downright cheat—under the Company's name taking their own securities to him for the debts which he owed them; afterwards, entering upon that account a false account of them; contradicting that by another account? and God knows whether the third is true or false! These are not things that I am to make out by any conclusion of mine; here they are made out by himself and Mr. Larkins. Compare it with his letter of the 27th, you find a gross fraud covered by a direct falsehood.

Then he goes to Cheyt Sing's bribes. He has done there with the bonds; he now comes to the other species of Mr. Hastings' fraud—for there is a great variety in him.

7 MAY 1789.

Bonds taken for the money by Mr. Hastings as if his own.

The money represented by Mr. Larkins as two thirds the Company's and one third Mr. Hastings'.

The whole sum confounded under bonds.

7 MAY 1789.

His fraudulent deposits.

Substitution of another bond in place of his own.

Omission of entry of the bonds in the accounts.

There was the fraud of his deposits. When he deposits money which he said was the Company's, and which he received in fact as bribes, he demands them—for the Company?—no; for himself; and here is the account Mr. Larkins gives. He was not in the secret of this money originally; he came to the knowledge of the bond money through Gunga Govind Sing and through Cantoo Baboo. The other he was a confidant of himself; it was carried to him, and the account he gives of it I will state to your Lordships. I forgot to mention that, besides these two bonds which Mr. Hastings declared to be the Company's and one bond his own, he slipped into the place of the bond of his own a much better, namely, a bond of November, which he never mentioned to the Company till the 22nd of May; and this bond for current rupees 1,74,000, or sicca rupees 1,50,000, was taken for the payment stated in the paper No. 1 to have been made to Mr. Crofts on the 11th Agha, 1187, which corresponds with the 23rd of November, 1780. This is the Nuddea money, and this is all that you know of it. You know that this money, for which he had taken this other bond from the Company, was not his own neither, but bribes taken from the other provinces.

I am ashamed to be troublesome to your Lordships in this dry affair, but the detection of fraud requires a good deal of patience and assiduity, and we cannot wander into any thing that can relieve the mind: if it was in my power to do it I would do it. I wish to call your Lordships' attention to the economy of this other bribe, before I quit these bonds. There is always something; glean never so much from paragraphs of Mr. Hastings and Mr. Larkins. You will find there is some confusion; the frauds are so complicated, so intricate, he could not bring them to account. Says Mr. Larkins,—“they were received before the 1st and 2nd of October, and paid.” Why does not the running treasury account give an account of it? The committee examined whether the running treasury account had any such account of sums deposited. No such thing. They were said by Mr. Hastings to be deposited in June; they were not deposited in October, nor any account of them till the January following. “These bonds,” says he, “I could not enter as regular money, to be entered on the Company's account, or in any public way, until I had had an order of the Governor General and Council.” “But why had not you an order of the Governor General and Council? We are not calling on you, Mr. Lar-

kins, for an account of your conduct; we are calling upon Mr. Hastings for an account of his conduct, and which he refers to you to explain. Why did not Mr. Hastings order you to carry them to the public account?" "Because," says he, "there was no other way."

Every one who knows any thing of any treasury or banking place knows, that if any person brings them money as belonging to the public, they are bound, no doubt, to receive it and enter it as such. "But," says he, "I could not do it until the account could be settled and a fair debtor and creditor struck. I could not do it till I could put on one side Durbar charges, secret service, to such an amount, and balance that again with bonds to Mr. Hastings." That is, he could not make an entry regularly in the Company's books, until Mr. Hastings enabled him to commit one of the grossest frauds and violations of a public trust that ever was done; that is, by ordering that money of the Company's to be considered as his own, and taking a security for it from the Company as if it was his own. Your Lordships will consider both the person who employs such a fraudulent man and his ideas of his duty in his office. But now we come to the deposit.

"The third sum contained in Mr. Hastings' account, for which the bond No. 1351, dated 23d November, 1780, for current rupees 1,74,000, or siccas 1,50,000 was granted, was for the payment stated in the paper No. 1. to have been made to Mr. Croftes on 11th Augun, 1187, which corresponds with 23rd November, 1780. The fourth sum stated in Mr. Hastings' account was the produce of sundry payments made to me by Sadamund, Cheyte Sing's buxey, who either brought or sent the gold mohurs to my house, from whence they were taken by me to Mr. Croftes, either on the same night or early in the morning after. They were made at different times, and I well remember that the same people never came twice. On 21st June, 1780, Mr. Hastings sent for me and desired that I would take charge of a present that had been offered to him by Cheyte Sing's buxey, under the plea of atoning for the opposition which he had made towards the payment of the extra subsidy for defraying part of the expenses of the war, but really in the hope of inducing Mr. Hastings to give up that claim, with which view the present had first been offered. Mr. Hastings declared that, although he would not take this for his own use, he would apply it to that of the Company, in removing Mr. Francis's objections to the want of a fund for defraying the extra expenses of Colonel Camac's detachment. On my return to the office, I wrote the substance of what Mr. Hastings had said to me, and requested Mr. James Miller, my deputy, to seal it up with his own seal, and write upon it that he had then done so at my request. He was no further informed of my motive for this, than merely that it contained the substance of a conversation which had passed between me and another gentleman, which, in case that conversation should hereafter become the subject of inquiry, I wished to be able to

7 MAY 1789.

7 MAY 1789. adduce the memorandum then made of it in corroboration of my own testimony; and although that paper has remained unopened to this hour, and notwithstanding that I kept no memorandum whatever of the substance thereof, yet, as I have wrote this representation under the most scrupulous adherence to what I conceive to be truth, should it ever become necessary to refer to this paper, I am confident it will not be found to differ materially from the substance of this representation.*

Cheynt Sing's
bribe of
23,000*l.* con-
veyed by
different
persons to
Mr. Larkins.

Now what is the substance of this representation? The substance of this representation is, that here was a bribe from Cheynt Sing; and which was guarded with such scrupulous accuracy that it was not carried to the house of Mr. Crofts, who was to receive it finally, but to the house of Mr. Larkins, as a less suspected place; and then, as it was conveyed in various sums, no two people ever returned twice with the various payments that made up the sum of 23,000*l.*, or thereabouts. Now do you want an account of prevarication?—do you want an account of tricks? If any person came to inquire whether 23,000*l.* had been paid by Cheynt Sing to Mr. Hastings, there was not any one man living or any person concerned in the transaction, except Mr. Larkins who received it, that could give an account of how much he received and who brought it. As no two people are confidants to the same transaction in accounts, so no two people are permitted to have any share whatever in bringing the several fragments that make the same sum. This you would have imagined, too, would have been entered to some public account, even to the fraudulent account of Mr. Hastings. No such thing. It was never entered till the November following. It was not entered till Mr. Francis was gone away; and all these corrupt transactions were carried on privately by Mr. Hastings alone, without any signification to his colleagues of his carrying on this patriotic traffic, as he called it. These are matters for your Lordships' grave determination; but I appeal to you whether, upon the face of these accounts, you ever saw anything so gross—that any man could be daring enough to impose upon the credulity of the weakest of mankind, much more to impose upon such a court as this, such accounts as these are?

The transac-
tion con-
veyed from
Mr. Hast-
ings' col-
leagues.

Impossi-
bility of tra-
cing the per-
sons respon-
sible for the
deficiencies.

If the Company had a mind to inquire what is become of all these debts?—where is the *kabuliyat*?—he calls Gunga Govind Sing. “Give us an account of this balance

* Extract from Mr. Larkins' letter of the 5th August, referred to above, paragraphs 10–13.

that remains in your hand." "I know of no balance." 7 MAY 1789.
 "Why, there is a kabuliyat." "Where is it? What are the date and the circumstances? There is no such kabuliyat existing." This is even where you have a name. But suppose you went to the Patna kabuliyat, and asked upon this account—"Here I find half the money due. Out of 40,000*l.* there is only twenty received; give me an account of it." Give whom an account of it? Why, here is no name mentioned. Who is to account for it? Who has the kabuliyat? Whom can you call upon? Mr. Hastings does not remember. Mr. Larkins does not tell. And suppose the Company had a mind to inquire what is become of all this Patna money—"give us those two lacs that are wanting;" they know nothing about it. Here is an account kept by somebody which they know nothing about; and can your Lordships believe that this can be any other than a systematical, deliberate, fraud, grossly conducted? I will not allow Mr. Hastings to be the man he represents himself to be. He used to be supposed a man of parts; I suppose no more than that he is a man of mere common sense. What account have you given the Company of this loss of 20,000*l.*? You refer them to Mr. Larkins. Mr. Larkins cannot tell them. You find an agreement: in whose hands is it? What application can you make for it? In what court can a suit be instituted? and against whom? Not one word. I wish your Lordships to examine strictly this account of Mr. Larkins—to examine strictly every part of what was said relative to this. Compare the accounts with the explanation, and see if you can divine what remedy can be had for 40,000*l.* loss out of 95,000*l.*

If the Company had a disposition, and were honest enough to the Proprietors and the nation, to inquire into it, there is not a hint given who received the Nuddea—who received the Patna—who received the Dinagepore, peshcush. Not one word of this is to be given; and this is to be called bookkeeping! These two people are to be magnified to heaven for great financiers, and this is the account they have given of all these detached matters of 95,000*l.*, with a loss of 40,000*l.*, without any account of the persons from whom the balance is due or any one circumstance concerning it!

This is the Bengal account, saved so miraculously on the 22nd of May. The next is the Persian account. You have heard of a pre-sent which was stated before and must be a good deal explained. From a Persian paper were read three

The Persian account.

7 MAY 1789.

Presents from the Nawab of Oude and Hussim Reza Khan to Mr. Hastings.

Present to Mrs. Hastings.

Assertion that Mrs. Hastings' present was applied to the Company's service.

Impropriety of the receipt of presents by the wife of the Governor General.

lines, and only three lines, which it is not pretended was the whole of it,—

"From the Nabob,"—meaning the Nawab of Oude—"to the Governor General, six lacks, 60,000*l*. From Hussein Reza Khan and Hyder Beg Khan to ditto, three lacks, 30,000*l*., and ditto to Mrs. Hastings, one lack, 10,000*l*."

Here are three lines that were read from this Persian paper. Is it a man you can call to account for these particulars? No: he is an anonymous munshi; his name not so much as mentioned by Mr. Larkins; never hinted at by Mr. Hastings. And you find this sum, which Mr. Hastings says was a sum in gross given to himself, is not so. It was given by three persons; a part of it, six lacks, given from the Nawab to the Governor; from Hussim Reza Khan three more; and one lac, from both of these, clubbing, as a present to Mrs. Hastings.

This is the first discovery we have of any person concerned in receiving presents for the Governor, except Gunga Govind Sing, Cantoo Baboo, Mr. Crofts and others: but now we find Mrs. Hastings. Now, if this money was not received for the Company, is it proper and right to take it from Mrs. Hastings? Is there honour and justice in taking from a lady a gratuitous present made to her? Yet Mr. Hastings says he has applied it all to the Company's service. He has done very ill if she has justly and properly received it: if she has not, Mr. Hastings has not done proper in suffering it to be received. And I must say, in this grave place in which I am—I do not know, whether Mrs. Hastings ever received any other money than this or whether in reality she received this money at all, she not being upon the spot as I can find at the time, though to be sure a present might be sent her; so I neither affirm nor deny anything of the receipt of it, further than that Mr. Larkins says that there was a sum of 10,000*l*. from those ministers to Mrs. Hastings. I do not know that this lady received any more presents:—but this I will say that, if the wives of Governors General, the wives of Presidents of Council, the wives of the principal officers of the India Company, the heads of Council, collectors, and through all the various departments, can receive presents, there is an end of the covenants; there is an end of the Act of Parliament; there is an end to every power of restraint. Let a man be but married, and that moment the Acts of Parliament, the covenants and all the rest, expire, and his wife may take presents.

There is something, too, in the affairs of the east that makes this a much more dangerous practice. The people of the

cast it is well known have their zanana, as a sanctuary which nobody can enter. It is really a kind of holy of holies—a consecrated place, safe in the rage of war, safe in the fury of tyranny. Rapacity has its bounds: here you shall come and come no further. But if English ladies can go into these zananas and there receive presents, the natives can be said to have nothing at all of their own. Every one knows that, in the wisest and best time of the commonwealth of Rome—towards the latter end of it I mean: not the best time for morals, but the best time of knowing how to correct evil government and choosing the proper means for it—it was a known principle that no Governor of a province could take his wife into a province, because they were not subject to the laws in the same way that their husbands were. I do not know that these things happen, but I should think myself the most scandalous of mankind if, finding this article here, I did not mention it to your Lordships; but I press it no further here. They are delivered to Mr. Larkins at Mr. Hastings' own requisition.

Then these three lines, read out of a Persian paper, are followed by a long account of the manner in which this present was received in several species, and converted by exchange into one common standard. Now you will ask, when the Persian munshi read this, was there no voucher or authority at all for the rest? The three first lines of that Persian paper is all that we know. Now I shall put it to your Lordships seriously to consider that, in this account, if three lines of paper contain 100,000*l.*—no way insinuating or hinting that there were only three lines in it but rather, on the contrary, seeing that it was read from a Persian paper—how do we know what mines of bribery that paper contained? Why did he not get the whole of that paper read and translated? It can be for no good end and purpose. The moment any man stops in the midst of an account, he is stopping in the midst of a fraud.

My Lords, I have one further remark upon these accounts. These accounts amount, by kabuliyat or agreement for paying bribes, in three provinces, to 95,000*l.* Do you believe that these provinces were favoured in any particular manner? Do you think that they were chosen as a little demesne for Mr. Hastings?—that they were the only provinces honoured with his protection, so far as to take bribes from them? Do you perceive anything in their local situation that should distinguish them from other provinces of Bengal? What is the reason why Dinagapore, Patna, Nuddea, should have the

7 MAY 1789.

Probability
of other
bribes.

The bribes
mentioned
received
from three
of the pro-
vinces only.

7 MAY 1780.

Probably
of bribes re-
ceived from
the other
provinces.

post of honour assigned? What reason can be given why bribes were not taken from Burdwan—from Bishanpore—in short, from sixty-eight collections that are in the revenues of Bengal?—that three only should be the places from whence he took his bribes? He did not do his duty, if he thought that bribery was the best way of supplying the Company's treasury—that it formed the most useful and effectual resource for them. He has declared that over and over again. How came he to be so wicked a servant that, out of sixty-eight divisions, he chose only three to supply the exigencies of the Company? Was it right to lay the whole weight of bribery, extortion and oppression, upon those three provinces, and neglect the rest? No; you know and must know that he who extorts from three provinces will extort from twenty, if there are twenty. You have a standard—a measure; and that is all. *Ex pede Herculem*: guess from thence what was extorted from all Bengal. Do you believe he could be so cruel to these provinces, so partial to the rest, to charge them with that load, with 95,000*l.*, knowing the heavy oppression they were sinking under, and leave all the rest untouched? No: we judge of what is concealed from us by what we have got the discovery of, by various means that have occurred, both to the guilty conscience of the person who makes the distinction, and to the vigour, perseverance and sagacity, of those who have made that discovery. Therefore it is not for me to say that there is but 100,000*l.* and 95,000*l.* There I say I must stop—just at the boundary where human nature has fixed the barrier—just where the circumstances intitle me to go on.

Mr. Hastings' motives for keeping the transaction from a court of justice.

Now you have before you the true reason why he did not choose that this affair should come before a court of justice. He would fly from the exposure of this day: he would call for the mountains to cover him: he would be heard upon the business of the Three Seals;* he would be heard upon anything, however foreign to the matter, to keep you from this gross bribery, this shameful speculation, this abandoned prostitution and corruption, which he has practised with indemnity and impunity to this day, from one end of India to the other. He gives you at the head of it Dinagapore. Whom did he take this money from? Has he told you? Has he told his employers? Dinagapore, a province, and money taken from it: whom from? by what hands? by what means? upon what pretence? I believe I can tell from whom it was

The money received from Dinagapore taken from the Raja.

* See Mr. Burke's General Opening of the Impeachment, vol. I., p. 52.

Raja Bija Naut, was upon the point of death, without having any legitimate issue. He lived upon ill terms with his son, Cantoo Naut, for many years, and his idea was to disinherit him from the succession to the zamindary by adopting a son. That adoption, in my poor judgment, is not sanctioned under this circumstance, while a person has a brother, as he was by the Gentu laws: but, Gunga Govind Sing being master of the Gentu laws, being at the office of the registry where the records were kept, which ascertain the rules of succession by the custom of the country, by his means Mr. Hastings decreed in favour of the adoption; and we find, immediately after that decree, that Gunga Govind Sing receives from Dinagepore an agreement for a sum of 40,000*l.*, of which he has exacted 30,000*l.*, although he has paid to Mr. Hastings only 20,000*l.* Immediately after this judgment we find this bribe. We find afterwards, following it close, that, before this person could be in possession a year, his natural guardians are all turned out. The country falls in balance, as you would naturally expect, from his inability to pay this exorbitant sum assessed upon a ruined family; for he came to a ruined succession. As we afterwards prove, by means of that he became indebted to government. Instantly Gunga Govind Sing and the fictitious committee Mr. Hastings had made for wicked purposes, composed of Mr. Anderson, Mr. Shore and Mr. Crofts—were but the tools, as far as they tell us themselves, of Gunga Govind Sing—put that monster of iniquity, Dehy Sanyal, into his family. They put him into the guardianship of this miserable Raja; and put this noble infant into such

Adoption of
a son by the
Raja Bija
Naut.

Recognition
of the adop-
ted son by
Mr. Hast-
ings, on re-
port from
Gunga Go-
vind Sing.

Sum of
money paid
to Mr. Hast-
ings through
Gunga Go-
vind Sing.

Dehy Sing
appointed
guardian of
the young
Raja.

7 MAY 1783. judgment or disordered imagination, and whether the things I have asserted cannot be substantiated in proof; whether it cannot be substantiated in proof that these reports were made and are none of my invention, and that the means that were taken to discredit them infinitely aggravate the mischief that was done.*

Mr. Hastings wanted to fly from that. He wanted to put Deby Sing any where but in a court of justice. A court of justice is an element in which he cannot live for a moment; where a direct assertion is put forward, a direct proof applied to it, and a comparison made of both. He would rather fly anywhere—even into the very sanctuary of his accusers—than abide a trial with him in a court of justice. But the House of Commons is too just not to send him to that tribunal to which they have appealed, whose justice they cannot doubt, whose penetration he cannot elude; not to give him up to those Managers whose characters he attempted to defame.

This Raja of Dinagepore, a poor unfortunate infant, is robbed of 40,000*l.* by the hands of Gunga Govind Sing; he is delivered over, on account of the pretence of these debts, into the hands of that monster, Deby Sing; and we find that, after this cruel sale of this infant, who was properly in the guardianship of the Company—for the Company acts as steward and diwan of the province, which office has the guardianship of minors—Mr. Hastings has thought proper to produce to you in answer, and by way of anticipation, a certificate of this unfortunate boy:—

Certificate of
the young
Raja in
favour of
Mr. Hastings.

"I, Rhadanaut, Zemindar of the pergunnah Haveley, Renjuna, &c. commonly called Dinajepore: as it has been learnt by me, the Muttedies, and the respectable officers of my zemindary, that the ministers of England are displeased with the late Governor, Warren Hastings, Esq., upon the suspicion that he oppressed us, took money from us by deceit and force, and ruined the country; therefore we, upon the strength of our religion, which we think it incumbent on and necessary for us to abide by, following the rules laid down in giving evidence, declare the particulars of the acts and deeds of Warren Hastings, Esq., full of circumspection and caution, civility and justice, superiour to the caution of the most learned; and by representing what is fact wipe away the doubts that have possessed the minds of the ministers of England: that Mr. Hastings is possessed of fidelity and confidence and yielding protection to us: that he is clear of the contamination of mistrust and wrong, and his mind is free of covetousness or avarice. During the time of his administration, no one saw other conduct than that of protection to the husbandmen and justice; no inhabitant ever experienced afflictions, no

* See Mr. Burke's General Opening of the Impeachment; 18 Feb. 1788; vol. i., p. 138, *et seqq.*

one ever felt oppression from him; our reputations have always been 7 MAY 1790.
 guarded from attacks by his prudence, and our families have always
 been protected by his justice. He never omitted the smallest instance of
 kindness towards us, but healed the wounds of despair with the salve of
 consolation by means of his benevolent and kind behaviour, never per-
 mitting one of us to sink in the pit of despondence. He supported
 every one by his goodness; overset the designs of evil-minded men by
 his authority; tied the hands of oppression with the strong bandages of
 justice, and by these means expanded the pleasing appearance of happi-
 ness and joy over us; he re-established justice and impartiality. We
 were during his government in the enjoyment of perfect happiness and
 ease, and many of us are thankful and satisfied. As Mr. Hastings was
 well acquainted with our manners and customs he was always desirous
 in every respect of doing whatever would preserve our religious rights,
 and guard them against every kind of accident and injury: and at all
 times protected us. Whatever we have experienced from him, and
 whatever happened from him, we have written without deceit or exag-
 geration.”*

My Lords, this is begun “I, Rhadanaut, Zemindar of the Youth of the Raja.
 pergunnah”—when in the year 1781, this child, this Rhada-
 naut, who bears evidence upon oath to all the great and
 good qualities of a governor, and particularly to his absolute
 freedom from covetousness—this person to whom he appeals
 was a poor boy between five and six years old, as the com-
 mittee state when they gave him into the hands of Deby
 Sing; and, when Mr. Hastings left Bengal, which was in 1786,
 was between eleven and twelve years old. Here is the sort
 of testimony that Mr. Hastings holds out—that he was
 clear from all sort of extortion, oppression and covetousness,
 in this very zamindary of Dinagepore. This boy who is so
 observant, who is so penetrating, who is so accurate in the
 whole government of Mr. Hastings, when he left his govern-
 ment was at the utmost but eleven years and a half old!

Now how is this unhappy man at your bar driven, when Recapitulation.
 he is oppressed by his accumulative load of corruption?—when
 he sees his bribery, his prevarication, forged bonds, brought
 before you to give the testimony to his government of this
 child, who for the greatest part of his time, lived 300 miles
 from the seat of Mr. Hastings’ government? Consider the
 misery of this poor unfortunate boy, robbed by Gunga
 Govind Sing of 40,000*l.* This boy is made to swear, with
 all the solemnities of his religion, that Mr. Hastings was
 never guilty in his province of any act of rapacity. Only
 think how this crime grows in its magnitude. You find a
 peashcush; you find Gunga Govind Sing in it; you find this

* Printed in the “Minutes of the Evidence,” p. 2361.

7 MAY 1788. unfortunate minor—this infant, who ought to be under the government and care of the Company,—robbed of 40,000*l.*, and obliged to bear testimony upon his oath that he was not robbed, and to bear testimony upon his oath to all the good qualities of Mr. Hastings, when he must know that he was the cause of all the mischief to him. These are what they call razi namas, that all India sounds with. Are they concealed by us from your Lordships? No: we bring them forth to show you the wickedness of the man who, after he has robbed innocence, after he has divided the spoil between Gunga Govind Sing and himself, gets the unfortunate noble minor, a boy under twelve years of age, to perjure himself for him—if such a creature is capable of being guilty by such a miserable painche—to deliver this to you as the voice of the country, collected to show how ill-founded the impressions are which committees of the House of Commons—for to them it alludes, I suppose—have taken concerning this man upon the inquiry; who brings the poor miserable orphans and young noble minors, and persons that ought to be under his guardianship, to come forth and swear what, if he had known any thing of his affairs, he must have known was directly false, and verified by his own account to be an extortion to the amount of 40,000*l.*!

Character of the certificates procured from the native princes by Mr. Hastings.

Here, my Lords, I would say something of the miserable situation of the people of that country; but it is not in my commission, and I must be silent.

Certificate from the Raja of Nudda.

Now there is another of these from Nudda, under the seal of Maharaja Dheraja Scolerund Bahadre. They were Hinde, or the flower of the Mohammedans, in this country. When I see the razi nama it is in fact a translation of the same paper; as you will see, a little diversified in the phrases, that it should seem to be something else. This was from a province remote from Dinagapore, by a person much in the same situation as Rhadanaut, and he bears the same testimony to the absence of covetousness in Mr. Hastings. And here we find he took from him a lac and a half. He took these bribes from these people. "Oh then," says he, "I will show it was not taken from them."

Opinion of Sir Elijah Impey on

My Lords, I have done all that is in my charge. I have endeavoured to show the covenants by which the Company have thought fit to guard against the avarice and rapacity of their governors. I have shown that they positively forbid all sorts of taking of bribes and presents. Before I quit this, I have only to give you the opinion of Sir Elijah Impey—a

name consecrated to respect for ever. Your Lordships know him in this House as well as I. His opinion of these petitions and certificates of good behaviour is this—

7 MAY 1780.
certificates
of conduct.

“ That from the reasons and sentiments that they contain . . . ”

The moment an Englishman appears, as this gentleman does, who is in the collection of Dinagapore, to collect certificates for Mr. Hastings, it is a command for them to say what he pleases.

To go back and recapitulate for a moment what I have said relative to the new system of bribery of Mr. Hastings:— I have endeavoured to state the covenants. I have endeavoured to state the motives for forbidding presents. I have endeavoured to state the means for preventing their being abused, by ordering the publicity of them. I have shown that these are private. I have endeavoured to state that the next step was framing a legal fiction that they were the property of the Company, to enable them to be recovered out of the rapacious hand which had violated the Act of Parliament. I have stated the Act of Parliament. I have stated Mr. Hastings' sense of it. I have stated the violation of it by taking bribes from all quarters. I have stated the fraudulent bonds by which he claimed a security as his own for that which belonged to the Company. I have stated the series of frauds, prevarications, concealments, and all that mystery of iniquity which I waded through, with pain to myself I am sure, and with infinite pain to your Lordships. I have waded through all that mystery of iniquity to show your Lordships, that the means he uses for evading the clear words of a covenant, and the clear words of an Act of Parliament, were such as did not arise from an erroneous judgment, but from a corrupt intention; and I believe you will find that his attempt to evade the law aggravates infinitely his guilt in breaking it. And now think in what a situation we stand. I open to you nothing but the package of this business. I have opened it to ventilate it and give air to it. I have opened it that a quarantine should be performed, between the touching the goods and letting loose the sweet air of heaven upon them, which is polluted by the opening these poisonous packets that Mr. Hastings has produced to you. I wish them to be aired and ventilated before

Recapitulation respecting Mr. Hastings' system of bribery.

Aim of the address to open the general subject.

* This paper has not been found.

7 MAY 1789. your Lordships touch them. Those who follow me will endeavour to explain to your Lordships what he has endeavoured to involve in mystery—to bring proof after proof that every bribe that was here concealed was taken with corrupt purposes, and followed with the most pernicious consequences. These are things which will be brought to you in proof. I have only regarded the system of bribery. I have endeavoured to show that it is a system of mystery and concealment, and consequently a system of fraud.

Confederacies of persons in India.

You now see the means by which fortunes have been made by certain persons in India. You see the confederacies they have formed with one another for their mutual concealment and mutual support. You will see how they answer a deceitful question by a fraudulent answer. You will see that Cheltenham calls upon Calcutta, as one deep calls upon another; that they call for explanation and are answered in mystery. You develop the very constitution of mind of these people.

Danger of corruption of the English character from examples of successful fraud.

And now, my Lords, in what a situation are we! This prosecution of the Commons, I wish to have it understood—and I am sure I shall not be disclaimed in it—is a prosecution, not only for the punishing a delinquent and preventing this and that offence, but a great censorial prosecution, for the purpose of preserving the manners, characters and virtues, that characterise the people of England. The situation in which we stand is dreadful. These people pour in upon us every day. They not only bring with them the wealth which they have, but they bring with them into our country the vices by which it was acquired. Formerly the people of England were censured, and perhaps properly, with being a sullen, unsocial, cold, unpleasant, race of men, and as inconstant as the climate in which they are born. These are the vices which the enemies of the kingdom charged them with; and people are seldom charged with vices which they do not in some measure partake. But nobody refused them the character of being an open-hearted, candid, liberal, plain, sincere, people; which cancelled and would cancel the thousand faults they had. But, if you once teach the people of England, by the successes of those who practise this fraud, a concealing, narrow, suspicious, guarded, conduct—if you teach them qualities directly the contrary to those by which they have hitherto been distinguished—if you make them a nation of concealers, a nation of dissemblers, a nation of liars, a nation of forgers—my Lords, if

you in one word turn them into a people of banyas—the character of England, that character which, more than our arms and more than our [commerce], has made us a great nation—the character of England will be gone and lost. Our liberty is as much in danger as our honour and our national character. 7 MAY 1789.

We, who here appear representing the Commons of England, are not wild enough, either for ourselves or our constituents, not to tremble at the effect of riches. "*Opum metuenda potestas.*" We dread the operation of money. Danger of influence of Indian wealth on the liberties of the country. And do we not know that there are many men, full of wealth, who wait, and who indeed hardly wait, the event of this prosecution to let loose all the corrupt wealth of India, acquired by the oppression of that country, to the corruption of all the liberties of this, and to fill the Parliament with men who are now the objects of its indignation? To-day the Commons of Great Britain prosecute the delinquents of India; to-morrow the delinquents of India may be the Commons of Great Britain. We know and feel in our elections the force of money; so that now we call upon your Lordships' justice in this cause of money. We call upon you for the preservation of our manners—of our virtues. We call upon you for our national character. We call upon you for our liberties, and hope that the freedom of the Commons will be preserved by the justice of the Lords.

SPEECH OF JOHN ANSTRUTHER, ESQ., MANAGER
FOR THE HOUSE OF COMMONS, IN OPENING
THE SECOND PART OF THE SIXTH ARTICLE
OF THE CHARGE, RELATING TO PRESENTS;
16 FEBRUARY, 1790.

16 FEB. 1790. MY LORDS,—In obedience to the commands of the Commons, imposed upon me in the course of the last session of Parliament, I now proceed to execute my duty in opening to your Lordships some other parts of the charges against Mr. Hastings.

Subjects of
previous
charges, ex-
tortion and
breach of
treaty.

I had the honour of stating to your Lordships, in a very few words, the nature of the charge which I had to make, in the course of the last year.* Your Lordships must have perceived that, in the course which the Commons have taken with respect to this trial, the first instance of misdemeanour which they selected, in order to lay it before your Lordships, was an instance of violence and extortion charged by them to be committed by Mr. Hastings upon a tributary prince, dependent upon the East India Company. The next charge which they proceeded to lay before your Lordships was an instance of violent breach of treaty, gross violation of good faith, committed towards an ally of the East India Company, in the persons of the Begums of Oude and on the sovereign of that country.

The present
charge re-
lates to in-
ternal go-
vernment.

From these charges of exterior demeanour the Commons have now come to view the internal government of Mr. Hastings; and I trust they will be able to prove that, as his external government was violent, tyrannical and unjust, the internal government committed to his charge was oppressive, corrupt and tyrannical. It is that oppression and that tyranny in consequence of that corruption, that I am now to state and open to your Lordships; and it is not the bare offence of corruption, odious as that offence is, which I have

Charge of
corruption.

* On the 8th of July, in the previous year, it being near the period of the close of the session of Parliament, Mr. Anstruther commenced, and offered to proceed with, the opening of the Article relating to presents; but, at the suggestion of the Lord Chancellor, on Mr. Anstruther's representation of the probability of his speech, the Court was adjourned to the next session.

ow to state to you, but the offence of corruption in a governor, aggravated by every act that can aggravate that enormous offence. 16 FEB. 1790.

I have to state that the corruption, which I have shortly to lay before your Lordships, was all committed in the exercise of that pecuniary trust committed to him by his masters, the East India Company, in the charge of the revenues of that great country. I have to state, as an additional aggravation of the offence of corruption, that it was not only committed in the exercise of his duty, as administrator of the revenues of that country, but that, in order to facilitate and in order to conceal that corruption when it was committed, the orders of his masters were disobeyed in many, many, instances. In administration of the revenue.

I have to state, not only that the orders of his masters were disobeyed, but that the very principles which he himself had established for the government of that country were set at naught, for the purposes of his own corruption. Disobedience to orders of Directors.

I have to state, not only that his own principles were set at naught, but that there were great establishments for the government of these provinces, established by himself; that they were confirmed and settled by his masters, and that he was forbid to alter and to innovate upon them: I have to state, as an aggravation to that corruption, that these establishments were overset and overturned. I have to state to your Lordships that another establishment was created, different in every respect from that which was overturned; and that the establishment which was put in its stead was inefficient to every good purpose: perfectly efficient to the only purpose for which it was created, the purpose of facilitating the taking [of bribes], and of concealing the corruption when taken. Principles of his government set at naught for corrupt purposes.

I have to state that the whole administration of the revenues of that country was, for those purposes which I have mentioned to your Lordships, thrown into the hands of a person who had been concerned and was connected with Mr. Hastings as the instrument of that corruption. Establishments overthrown.

Not only have I to state all these aggravations to your Lordships, but I have to state to your Lordships that every man who gave a present to Mr. Hastings received a province in return; that he not only received a province in return, but that all the checks that had been instituted for the purpose of preventing even good men committing bad actions, were withdrawn from those who were put there for corrupt Administration of revenue placed in corrupt hands.

Not only have I to state all these aggravations to your Lordships, but I have to state to your Lordships that every man who gave a present to Mr. Hastings received a province in return; that he not only received a province in return, but that all the checks that had been instituted for the purpose of preventing even good men committing bad actions, were withdrawn from those who were put there for corrupt Provinces given to all who made presents.

Not only have I to state all these aggravations to your Lordships, but I have to state to your Lordships that every man who gave a present to Mr. Hastings received a province in return; that he not only received a province in return, but that all the checks that had been instituted for the purpose of preventing even good men committing bad actions, were withdrawn from those who were put there for corrupt Checks on their administration withdrawn.

16 FEB. 1790.
Infamous
character of
those so pre-
sented.

purposes. I have to state to your Lordships that Mr. Hastings knew, at the time when he put men into great situations, when he intrusted them with the government of the country for pecuniary gain, and had withdrawn from them those checks which are necessary to prevent even the best of men committing bad actions, that they were, universally, the worst men in the country. He raked into the gaols of Patna and Calcutta in order to put persons into the charge of these provinces, and from those persons he received large sums of money. I have still further to state to your Lordships—indeed I need scarcely state it—as an additional aggravation of what I have to say, that these men, so placed in these situations, acted completely up to their character, and that they did all that bad men could do in these countries. I have to state, as an aggravation of this corruption, all the oppression, the tyranny, and the destruction of the country, that was occasioned by this corruption so practised by Mr. Hastings!

Necessity of
answering
Mr. Hastings' asser-
tion that the
country was
prosperous.

Injury of the
revenue.

These are the aggravations with which I mean to accompany this offence: and I shall now state to your Lordships all these aggravations, because your Lordships will see that it is necessary I should state them shortly, in order to rebut that species of defence which Mr. Hastings has attempted, by saying that the country was safe and prosperous under his management. I will show you that, in consequence of the corruptions of Mr. Hastings, a country yielding above 12,000*l.* a year revenue to the East India Company was put into the hands of the worst men, for the worst purposes; and that they exercised that power, so given them, to the utter destruction of the inhabitants of that country, and to the consequent loss and injury of the East India Company.

Necessity of
explaining
the Com-
pany's
system of
government.

In order to make your Lordships fully aware of the extent and the nature of all those aggravations which I have now generally opened to you, it will be necessary that I should state to your Lordships something of the plan established by the East India Company for the government of their provinces, and for the general direction of their revenue. Your Lordships will see that, before you can fully understand all the aggravations of this offence, it is essential I should first explain what duties they were which were imposed upon Mr. Hastings, and what duties they were which he violated in taking all this money.

The government of the East India Company, from the year in which we got possession of the diwani* down to the year 1773, had undergone various changes, both with respect to the management of its revenues and its internal police. I do not mean to state any of those alterations or innovations prior to the year 1773. Whether those innovations and alterations were right or whether they were wrong, I leave them entirely out of this part of what I have to state to your Lordships, and take the administration of the revenue as it stood in the year 1773. In the year 1773, Mr. Hastings thought fit, in consequence of the orders of his masters, to introduce a plan for the administration of the revenues of that country, in so far as related to the European administration of these revenues. That plan will be the first piece of evidence which I shall have to produce to your Lordships. It was introduced for the purpose of gradually introducing a more perfect form of superintendency. "It would be hazardous to the collection," says he, "to throw a greater weight upon the members of the supreme administration than they could support." And for that purpose, in the year 1773, Mr. Hastings introduced a plan, dividing the provinces under the administration of the East India Company into six grand divisions. Those six grand divisions were superintended by Councils of three or of four. That Council had the general administration of the revenues within the province, and corresponded constantly and regularly with the supreme administration at Calcutta, which had the ultimate government and control of all the revenues of the province.

16 FEB. 1780.
Variety of
changes
prior to 1773.

Mr. Hastings' plan
for administration
of the revenue,
in 1773.

Division of
the country
into six
districts.
Provincial
Councils.

My Lords, that plan, which I shall produce, and of which I now state the outline, was introduced by Mr. Hastings as the best plan that could be for the purpose of administering the revenues. He stated, at the same time that he introduced it, that he had a further purpose in view, and that was, by an easy, regular and gradual, change, to bring down the whole collection of the revenue to Calcutta, provided it should be found by experience that the nature of the administration of the revenue would so admit of it.

Object to
bring the
whole col-
lection to
Calcutta.

My Lords, in the paper by which he introduced that plan, he stated, among other things, one great leading advantage

Profession
of control
of the provin-
cial Councils.

* The important grant of the diwani, or right to receive the revenues of Bengal, Behar and Orissa, was made by the Mogul Emperor to the East India Company in the year 1765.

16 FEB. 1799. that would accrue from this mode of administering the revenue : and I desire that your Lordships would attend to that leading advantage which he mentions, which is this,—that there would be a great local, internal, control within the provinces : and that the administration within the provinces was so constituted that it would be extremely difficult, if not impossible, for the members of the provincial Councils, as they were called, to commit any act of enormity in the provinces without a degree of collusion, which collusion must be so great, before they could conceal their enormities, that it would operate as a discovery itself. Such is the principle upon which Mr. Hastings established this plan of a local control within the provinces, to prevent any oppression and injustice by those provincial Councils, without that oppression and injustice being immediately, instantly and perfectly, known to the supreme Board at Calcutta. And I desire your Lordships to mark the reason for his approbation of the plan : because I will show your Lordships that that plan, which he introduced for the purpose of concealing his own corruption, withdrew all local control, and rendered it perfectly easy, in his own opinion, to commit the greatest corruption, without the Council at Calcutta knowing any thing of the matter.

Control rendered impossible by the plan.

Constant approval of the plan by Mr. Hastings, from 1773 to 1781.

Having stated what the outline of the plan was, I shall only state to your Lordships that Mr. Hastings, from the year 1773, when he introduced his plan, down to the 9th of February, 1781, when he over-set that plan, never once deviated from his unceasing commendation and approbation of it. So much did he approve of it, that, when it pleased your Lordships and the other branches of the Legislature to send out a new administration for the province of Bengal, Mr. Hastings, in the very first minute in which he gave to them a general view of all the matters which were under his care, stated, in plain terms, that the best plan which could be adopted for the administration of those provinces was that plan which he had so introduced two years before. He still continued approving of that plan ; and when, in the year 1775, he sent over to this country a new plan for the subordinate administration of the revenues, he again recommended the Directors to continue that plan of administering the revenues through the medium of provincial Councils, as the best plan that could possibly be devised. So far was he from any idea of altering or disapproving that plan that he desired the court of Directors to apply to the Legis-

His recommendation of the confirmation of the plan by the Legislature.

lature to have that plan carried into execution by a law of this country, stating these as reasons for that law—which I desire your Lordships to attend to,—the repeated innovations and usurpations that have been made upon the rights of the inhabitants of this country, through the remissness and rapacity of the Mogul government; and the desire of the English government of acquiring popularity by a supposed increase of revenue, which has created a rooted dislike in the inhabitants of this country to your dominion. In order to guard against that rooted dislike, in order to prevent those future innovations which are attended with such dangerous consequences, you are to pass an Act of Parliament to establish this plan. Such were Mr. Hastings' reasonings upon that plan.*

18 FEB. 1700.
His reasons for the law.
Encroachments on rights of the inhabitants.
Dislike occasioned by attempts to increase the revenue.

Now I will state the opinion of the court of Directors upon it; because I shall show your Lordships that those acts, which he stated had created a rooted dislike to their government, were acts which he afterwards did, for the purpose of facilitating the receipt of bribes and concealing his own corruption. The court of Directors were not quite so clear in the approbation of this plan, when first presented to them, as Mr. Hastings was. They did not take upon them to say positively—"yes," or "no,"—whether this was to be the perpetual plan which was to govern their provinces, but they say,—

Opinion of the court of Directors on the plan.

"We approve of what you have done; in the meantime we desire you to form your plans, if other plans may be necessary, but desire that no innovations be made without your sending that plan to us for our final approbation, before it is adopted."

Order of the Directors that no innovations be made without their approval.

I shall lay that [plan] before your Lordships, with the ultimate direction of the court upon that subject. The court of Directors desired that he should form a new plan, and transmit it to them for their approbation before it should be carried into execution. I shall show your Lordships that he formed a new plan, and, when that was so formed, he carried it into execution without telling the court of Directors one word about it,—nay, for a whole twelvemonth, he never let them know that there had been any alteration in the administration of their revenues, other than by a letter

New plan introduced, without submission of it to the Directors.

* See letter of the Governor General and Mr. Barwell, of Calcutta, to the Directors, communicating a plan for the future settlement of the revenue; dated 28th March, 1775; and the letter of the same to the Directors, forwarding the draft of an Act of Parliament for the purpose stated above, dated 30 April, 1776.—Printed in the Appendix to the "Minutes of the Evidence," pp. 644, 660.

10 FEB. 1796. which he transmitted to his own agent, Major Scott, to be delivered by him or not, at his own pleasure.

Having stated the duties which were imposed upon Mr. Hastings, both by his own confession and by the orders of the court of Directors, with respect to the plan of administering the revenues through the medium of European servants in the provinces, having stated the advantages which Mr. Hastings supposed would result from it, having stated that it was a plan of local internal control—that it was a plan of publicity—that it was a plan that did not admit of the existence of oppression, without that oppression being discovered to the provincial Councils,—I must now come to some interior parts, which your Lordships will do me the justice to believe I do not state loosely and inaccurately, but that you will see the force of them by and by, and the necessity there is for me to state them clearly to your Lordships, in order that you may understand all the aggravations of the offence of Mr. Hastings.

Particulars of the plan for managing the revenues.

The revenues raised by rent payments from the zamindars.

Question of right in the land.

Orders of the Directors as to the persons to whom the land should be given. Mr. Hastings' opinion. Disobedience to orders of Directors by Mr. Hastings, and contradiction of his own opinions.

The mode in which the revenues of that country have been raised has hitherto been by a payment from the different zamindars, farmers or landholders—call them by what name or description you please. It is a species of land-rent, which is exacted from them in the shape of tribute, which they have to pay to the government. It is the principal revenue of Bengal;—by what title or what right, is a matter I shall not at present enter into. If I were to enter into it, I should show that they have the property of the lands and we only the tribute of it, as every good government ought to have: but it is immaterial whether they are to be looked upon as possessing the lands purely of our favour and courtesy or of their own right.

I have to state two different sets of opinions upon that subject. First, the orders of the court of Directors as to who are the persons to whom the land should be given, in order to raise a revenue out of that country. I have to state, also, Mr. Hastings' opinion upon that subject—who are the persons to whom the lands should be given—namely, the natives of that country. And I shall show your Lordships that these orders of the court of Directors with respect to these persons were completely disobeyed by Mr. Hastings; and that these opinions of his own were completely contradicted by Mr. Hastings in a thousand instances; and that in every one instance where I find a

contradiction to those opinions, I find a sum of money paid to Mr. Hastings !

The court of Directors, above all, establish this as an universal rule—that no payment, of any sort or kind, shall be exacted from the persons holding the lands, whether you call them farmers or whether you call them zamindars, or by whatever name or description they are to be known—that no payment shall be asked or demanded of them, upon any account or pretence whatsoever, other than that which is expressed in the deed or instrument by which they hold those lands. The court of Directors ordered another thing, too,—that, in the letting of the lands, wherever these persons who were called zamindars were dispossessed of those lands, the farm should be divided into smaller proportions, and that no farm should be above 10,000*l.*, or one lac of rupees, unless it was let to the hereditary zamindar. They directed, further, that no banya of any European should have any concern whatever with the letting the lands in the different provinces. I state this to your Lordships, because I will show that money was taken, more than was mentioned in the instrument by which they held the lands,—because I will show that every man who gave a present to Mr. Hastings, so far from having a farm of only one lac, had it to the amount of thirty, forty, some even, I believe, to nearly the amount of fifty, lacs.

16 FEB. 1790.

Order of Directors that no payment be exacted, beyond that expressed in the grants of the lands.

And that no farm should exceed 10,000*l.*

And that no banya should be concerned in letting the lands.

Breach of the orders.

The court of Directors further declared that they were universally of opinion that, for every reason, the fit and the proper persons to hold the lands, and to pay the revenue to the East India Company, were these persons who are commonly known by the name of the hereditary zamindars ; and they directed that, wherever it could be done, the hereditary zamindar should be the person who should farm the land from the East India Company. It was impossible that, at the distance at which they were, they could direct positively and specifically what was the rent or revenue which was to be paid for those lands, but they directed, in the most specific terms, that the rent or revenue that should be paid by those people should be moderate. There was a discussion in the Council at Bengal, as well as at home, as to what ought to be the terms of the tenure. The Directors said, “ We have not made up our minds yet whether we shall let the land upon a perpetual tenure, or on an annual tenure, or any term of years ; but this we positively direct, that, wherever a zamindar pays his revenue to government

The hereditary zamindars pointed out as the fittest landholders.

The rent to be moderate.

Zamindar not to be disturbed in the tenure of his farm.

16 FEB. 1779, regularly, no increase be demanded of him upon any account or pretence whatever; that he be allowed to hold and enjoy his estate or his farm; that he be allowed to enjoy the profit of his revenue: even if his lease be, in appearance, only annual, yet, if he be regular and punctual in his payment, that he shall have it equivalent to a perpetual lease—not a perpetual lease in law, but he shall not be turned out.”*
 Mr. Hastings’ opinion in favour of zamindars.

Such are the orders of the court of Directors upon that subject,—orders from which they never deviate,—orders from which it is impossible that men could deviate, who had the good government of the country in view. Mr. Hastings himself was not behind hand with the court of Directors in these opinions, for he explicitly tells us—

“The cultivation would more be likely to be[†] encouraged; they have a perpetual interest in the country; their inheritance cannot be removed; they are the proprietors of the lands, which are their estate and their inheritance. From a long continuance in their families [it is to be concluded they have rivetted an authority in the district, acquired an ascendancy over the minds of the ryotts, and] ingratiated their affections.”‡

His opinion on letting the lands to farmers.

Then follow the opinions of Mr. Hastings with respect to farmers:—

“A farmer who holds his farm for one year only, having no interest in the next, takes what he can with the hand of rigour, which, even in the execution of legal claims, is often equivalent to violence. He is under the necessity of being rigid and even cruel, for what is left in arrear after the expiration of his power is at best a doubtful debt, if ever recoverable. He will be tempted to exceed the bounds of right and to augment his income by irregular exactions, and by racking the tenants, for which pretences will not be wanting, where the farms pass annually from one hand to another.”§

Such were Mr. Hastings’ opinions with respect to letting the land to the hereditary zamindars,—such his opinions with respect to the mischief that accrued from letting them to farmers.

The above is the substance of the 15th paragraph of a letter from the court of Directors to the Governor General and Council of Calcutta, dated 5th February, 1777.—Printed in the Appendix to the “Minutes of the Evidence,” p. 642.

† See letter from the Governor General and Council at Calcutta to the court of Directors, dated 3rd November, 1772, paragraphs 22 and 23.—Printed in the Appendix to the Evidence, p. 663.

‡ Extract from consultation of the Board of Calcutta, 14 May, 1772.—Printed in the “Minutes of the Evidence,” v. 1, p. 77; and Appendix, p. 668.

I state these principles of Mr. Hastings, because I will show your Lordships that the principal zamindaries of Bengal were let to farmers,—that they were ruined by the oppression of the farmers: and I will show you that there were payments of moneys from these farmers to Mr. Hastings.

16 FEB. 1700.
—
The zamindaries let to farm.

Money paid to Mr. Hastings by the farmers.

Mr. Hastings has shown the court of Directors, also, all the dangers which I need not state: he has shown the dangers which follow from various innovations and changes. I quoted his own words, sometime ago, upon that subject, when he says that the innovations proceeding from these causes had created a rooted dislike in the minds of the people. He went further, for he warned his masters particularly against this:—"Be upon your guard against any pretended increase of revenue, for be sure that, so certain as any plan is offered for your consideration which purports to be a plan for the increase of your revenue and the diminution of your expense, so sure and certain that plan will turn out a diminution of revenue and an increase of expense."

Danger from innovations in order to increase revenue pointed out by Mr. Hastings.

I state that to your Lordships, because I will show you that Mr. Hastings himself made those innovations which he had deprecated. I will show you, by and by, that Mr. Hastings, upon those very pretences which he had declared against, made those very innovations which he had deprecated; and I will show you that those innovations were not made for any good purpose, but purely for the purpose of concealing money when taken, and of facilitating the mode of taking it. I will show you, too, that Mr. Hastings was no false prophet when he stated that a plan, which pretended to be an increase of collection, would really be a diminution of collection and an increase of expense; for I will show you that his own plan, which he introduced upon these pretences, was attended with those very consequences which he himself had foreseen. And I shall leave it upon that, and upon other things which I have to state to your Lordships, whether a plan so formed,—whether a plan so introduced,—could be introduced for any other purposes than the purposes of corruption.

Innovations by Mr. Hastings.

Made for the purpose of concealing receipts of money.

Diminution of revenue subsequent upon Mr. Hastings' plan.

Plan introduced for purposes of corruption.

Having said so much with respect to the preliminary duties imposed upon Mr. Hastings, the next thing that I have to state to your Lordships is, the opinion that was given by Mr. Hastings, in the year 1772, with respect to the administration of the revenue by this or that particular body of men.

Mr. Hastings' opinion in 1772 on administration of particular bodies.

16 Feb. 1770.

Abolition of
Boards of
revenue at
Moorshed-
abad and
Patna.

Their power
vested in
the supreme
Board at
Calcutta.

His reasons.

I should say, that, previous to the year 1772, the Board of revenue principally resided at Moorshedabad and at Patna, consisting of two Boards. In the year 1772, Mr. Hastings, aware that it was impossible that the supreme administration could know anything at all of the revenue, while it continued administered by two Boards under them, abolished those two Boards, and vested the ultimate and supreme superintendence and control of the revenue in the supreme Board at Calcutta. His reasons for it I shall now state. Mr. Hastings says that,—

“The revenue is beyond all question the first object of government, that on which all the rest depend, and to which every other should be made subservient. There must be a controlling power in this department,” meaning the department at Calcutta,—“it cannot be partially delegated; but, in whatever hands it is lodged, it must be absolute and independent. But the superior Council, which is constitutionally the controlling power, [having no cognizance nor connection with the inferior department, can have no knowledge of what is transacted, but from the information of the Board of revenue, which, however fair and impartial, cannot possibly convey that intimate intelligence which arises from daily practice and a direct communication with the servants of the revenue. Without such an intelligence what authority can the administration possess in the affairs of the collections, or with what confidence can they issue any orders for their improvement, impressed as they must be with the consciousness that they are but imperfect judges of matters on which they dictate to others better informed? In effect all authority and command will rest with the Board of revenue.”]

Purpose of
the opinion
that mat-
ters of
the revenue
cannot
be safely
delegated by
the supreme
Board.

Measures
taken in
1781 by Mr.
Hastings, in
opposition
to these
opinions.

These opinions of Mr. Hastings go to this, that the supreme Board at Bengal is intimately connected with the administration of its revenue: that it cannot be partially delegated; that it cannot be put in a Board subordinate to that. The moment you put it in a Board subordinate to that, that moment you invest all power and authority in the Board of revenue. If the superior administration is partially delegated it must rest in absolute, total and complete, ignorance. I shall show your Lordships that, in the year 1781, Mr. Hastings did delegate that which he said could not be partially delegated; that, in 1781, Mr. Hastings threw that blind over the eyes of the supreme administration, which, he says, necessarily must be thrown over the eyes of the supreme administration, the moment you delegate the revenue. Instead of that easy and gradual change which

* Minute of committee of the Council of Calcutta, 28th July 1772.—Printed in the “Minutes of the Evidence,” v. 1178.

Mr. Hastings was ordered to make, and which he had professed it absolutely necessary to make, Mr. Hastings comes to the Board on the 9th of February, 1781, and in a short minute, upon the pretence, which he had deprecated, of saving expense and increasing the collections, at once abolishes the whole administration of the revenue in Bengal. I will show your Lordships, by and by, why it was necessary that he should so abolish it. He abolishes the whole administration of the revenue in Bengal; he vests the whole administration of it in the hands of four gentlemen named by himself. He not only does that, but he takes that very step which, in the year 1772, he had declared must necessarily and inevitably keep the Council in ignorance!

16 FEB. 1790.

His suppression of the control over the collections in the Board of Calcutta.

His assignment of the administration of the revenue to a Board named by himself.

Your Lordships will find in the seventh Article of this charge—I have a right to go into any part of the Articles, and you will see that I am now connecting part of the seventh Article of the charge with a part of the present—your Lordships will see that Mr. Hastings is charged with having, for corrupt purposes, abolished the provincial Councils. If I was to go no further than to state that he has abolished the provincial Councils upon pretences which he had disclaimed—that he has abolished the provincial Councils in contradiction to every order of his masters, and every opinion of his own—your Lordships would, from this circumstance alone, infer the corruption; but I shall not leave it there. Having thus vested the whole administration of the revenue, by one short minute, in the hands of four gentlemen, I shall state to your Lordships what sort of an administration it was that he ordained for this government. If I can prove that, in the course of the administration of these revenues, Mr. Hastings established a government which he knew, himself, to be weak, wicked and inefficient, that he vested the whole power of the revenues of that country in the hands of a person concerned in taking bribes for himself, your Lordships will easily infer that that was the original cause why this change and alteration was made.

Reference to the 7th Article of the charge.

Corrupt motive in abolishing provincial Councils.

Character of the Board established by him.

The four persons that he named for the administration of the revenue were a Mr. Anderson, Mr. Crofts, Mr. Shore and Mr. Chartres. About Mr. Anderson I shall say extremely little. Mr. Anderson was specially selected by Mr. Hastings, because he was supposed to possess singular and particular skill in the revenues of that country: that was the cause Mr. Hastings assigned why he placed Mr. Ander-

Names of members of the Board.

Mr. Anderson's reputed experience in matters of revenue.

16 FEB. 1790.

He is re-
minded by
Mr. Hast-
ings.

Mr. Crofts
connected
with Mr.
Hastings.

Opinion of
the other
members
that they
were unable
to execute
the power
vested in
them.

Statement
of Mr. An-
derson that
they were
tools in the
hand of the
diwan.

Statement
of Mr. Shore
confirmed
by Mr. An-
derson.

son, a young man, at the head of that mighty Board which was vested with the sole, complete and perfect, administration of the revenues of Bengal. Yet the very first act of Mr. Hastings was to take away that very Mr. Anderson, who was put at the head of the Board for his skill, and to send him upon a deputation out of the provinces; so that, whatever ability Mr. Anderson might possess, that ability, which was the reason for putting him there, furnished Mr. Hastings with another pretence for taking him away from the Board at which he had placed him. He was in that Board four years; during that four years Mr. Hastings allowed him to sit forty-four days. With respect to Mr. Crofts, I shall show that he was connected intimately with Mr. Hastings, and was the medium through which a great deal of money was received. Of the other two gentlemen I do not say anything; I know nothing of them. I dare say they were very fit for the situations in which they were placed; but I shall show your Lordships that, according to their own opinions, it was utterly impossible that any men could be fit for them, for Mr. Hastings had vested in them a power which it was perfectly impossible that they could execute. I will show to your Lordships what this Board was that Mr. Hastings established. Mr. Anderson, who was selected for his peculiar skill in the revenue, shall tell you what he has told us already in the House of Commons. He has told us, in conformity with Mr. Shore, who acted long at the head of it, that to say they did their business—to say that they could do their business—was idle folly and nonsense; get through it they did,—do it they could not;—that, be they what they may—be they the best intentioned, the best skilled and the most industrious, men in the whole province of Bengal—they were tools in the hands of the diwan. I shall read to your Lordships what Mr. Shore says, and what Mr. Anderson, in the House of Commons, confirmed. With respect to that business, he says,—

“With respect to the present committee, it is morally impossible for them to execute the business they are entrusted with; they are vested with the general controul, [and they have an executive authority larger than ever was before given to any Board or body of men. They may and must get through the business; but to pretend to assert that they really execute it would be folly and falsehood.]

“The grand object of the natives is to acquire independent controul, and for many years they have pursued this with wonderful art. The farmers and zemindars under the committee prosecute the same plan,

ready objections to anything that has the least appearance of 10 FEB. 1790.
 n; all controul removed, they can plunder as they please.

committee must have a dewan or executive officer, call him by me you please. This man, in fact, has all the revenue paid at dency at his disposal, and can, if he has any abilities, bring all ers under contribution. It is little advantage to restrain the ee themselves from bribery or corruption, when their executive as the power of] practising both undetected."*

sire your Lordships to attend to this :—Mr. Shore and aderson tell you, that to pretend that the committee o their business was folly and falsehood; that the whole e was at the disposal of the diwan; that they were nstruments in his hands,—he could do with them what sed; he could put all the renters under contribution; ws the secret resources, the hopes and fears, of all the lars;—he is everything and the committee nothing.

e begins what will open to your Lordships the r in which I mean to bring all this round to the of corruption against Mr. Hastings. I have shown at he abolished a government of local control, that he ed a government that carried publicity upon the face

Corrupt
 motive of
 Mr. Hast-
 ings in esta-
 blishing the
 committee.

I have shown to your Lordships that, in the opinion s new committee themselves, they were mere blind nents in the hand of their diwan; and I think it ason to infer, when Mr. Hastings had violated so duties that were imposed upon him by the laws of his y, the orders of his masters and his own opinions, for rpose of establishing a government that were tools in nds of the diwan,—I think it is fair inference, that the ing one and establishing the other could be done for d purpose; because the only purpose, for which it was ded to be done, was a purpose Mr. Hastings had f condemned and deprecated.

s brings me to state to your Lordships who this diwan i whom Mr. Hastings put the whole disposal of the ies,—that it was no other than Gunga Govind Sing, as the person that took every bribe which Mr. Hast- received from the provinces. For I shall not only that Mr. Hastings placed the whole authority in the of Gunga Govind Sing, by the confession of the com- themselves, but I shall prove, from the confession

The ap-
 pointment
 of diwan
 held by
 Gunga Go-
 vind Sing,
 receiver of
 Mr. Hast-
 ings' bribes.

emarks on the Mode of administering justice to the Natives in Bengal, he Collection of the Revenue," by John Shore.—Art. 3rd.—Printed in nutes of the Evidence," p. 1280.

16 FEB. 1790.

of another of Mr. Hastings' agents, Mr. Larkins, that he, who the committee tell you could lay the renters under what contributions he pleased, and that the committee were tools in his hands,—that he was the person who received presents for Mr. Hastings. Then it is but a short inference—I am sure it is a true one—that all this arrangement was taken, all these duties violated, for the purpose of putting Gunga Govind Sing, his own receiver of bribes, into that situation.

Violent
character
of Gunga
Govind Sing.

It will be necessary for me to state to your Lordships who this Gunga Govind Sing was; and, when my right honourable friend told you, in his opening speech, that it was a name at which all India turned pale, he did not exaggerate: he told that which every man who comes to your Lordships' bar will tell you,—that if there was ever a man who was hated, feared and despised, by all the natives in India, it was that Gunga Govind Sing; and this man, so hated, feared and despised, by every good man, is he whom Mr. Hastings selected to put at the head of this revenue Board [who were] to be tools in his hand; he employed this man, I shall show, to receive bribes for himself.

Plan that
Mr. Hastings
was
inventor of
his character.

But, it may be said, Mr. Hastings did not know Gunga Govind Sing. It would be difficult to persuade me that Mr. Hastings had been ten years Governor General of India, and that he did not know the most notorious character in it. If he did not know him, it was his duty to inquire into his character before he placed him in that important office. But he did know him: he had been formerly in a situation under the Company; he had been employed as diwan to the provincial Council, the committee of Calcutta: from that situation he was dismissed with disgrace. Notwithstanding his being dismissed with disgrace from that situation, the moment Colonel Monson died, Mr. Hastings put Gunga Govind Sing again into office. His masters, the court of Directors, condemn him for it. They tell him, "Whether your plan was right or wrong we do not care, but for the office of the head of the committee Gunga Govind Sing is an improper person, because he was dismissed from the Calcutta committee." The answer that he makes to that condemnation of his masters is, to put this man, instead of being diwan to the Calcutta committee, at the head of the whole revenue presidency.

His previous
dismissal
from office
of diwan of
the committee
of Calcutta.

Discussion
at the Board
respecting

Concerning his dismissal from the committee at Calcutta there was a good deal of discussion at the Board. General

Clavering and Colonel Monson, expressly declare that they ^{16 FEB. 1790.} heard all over Calcutta that he was the worst character in ^{His dis-} the country. Mr. Barwell says,— ^{missal,}

“It is true I never heard any man speak well of him, but he is not proved to be guilty, and, therefore, I shall take his character to be good.”

Then comes Mr. Hastings and agrees with his friend Mr. Barwell,—

“It is true I never heard a man speak well of him; I have heard natives—I have heard Europeans—speak of him, but in this point they all agree, that he is the most infamous man breathing; it is true they have not told us specific facts.”

And your Lordships know that, if I was giving evidence of a person's general character, I should not be permitted to go into specific facts. Then Mr. Hastings knew perfectly that this man's general character was notorious. He does not pretend to defend him upon that occasion; he says,—

Mr. Hastings aware of his general character.

“He neither has a friend among the natives who are about me, nor has he a friend among the Europeans who are about me; I never heard any man speak well of him, but I never heard any man doubt of his abilities.”

No more do I! I doubt not the abilities of Gunga Govind Sing. It was because he had abilities that he was selected by Mr. Hastings for that great and that important situation; it was because he had these abilities, described by Mr. Shore, of finding out the secret resources of every renter in the country, that he is again placed in that high and important situation. It is not for his want of talents that I blame Mr. Hastings; but I blame him for having put [into that situation] a person of infamous character, even [though] possessed of great and splendid talents. The greater his talents the greater the mischief, when placed in a situation that he could ravage the whole country, at his pleasure, as I shall show your Lordships that that country was ravaged, under the administration of Gunga Govind Sing and Mr. Hastings.

Now I have stated what I had to say with respect to the appointment of that committee; I have shown your Lordships the destruction of one establishment; I have shown you the appointment of another; but I shall go further, and not only show you that, in the opinion of this very man who was in that government, this committee of revenue—as it is called—was inefficient, weak and futile, but I shall show you, that in the opinion of Mr. Hastings himself, that government which he established was effective to no one good purpose under the sun; for I shall show you that, in the course of the year 1783, in consequence of the oppres-

Inefficiency of the committee of revenue.

16 FEB. 1796.
Oppressions
of Deby
Sing.

sions of a man of whom your Lordships will hear more than a little,—of the name of Deby Sing,—in consequence of the oppressions of that man, which Mr. Hastings' corrupt system had occasioned, a vast body of evidence of great oppression, committed in different parts of the country, was laid upon the table. A Mr. Goodlad was a little involved in the accusation, as well as Deby Sing; and, upon the trial of Mr. Goodlad, Mr. Hastings himself says,—

Mr. Hastings' avowal
of his ill
opinion of
him.

"I so well know the abilities and the character of this Deby Sing, that I conceive it possible that he should commit every enormity laid to his charge, and yet, at the same time, that it might be concealed from Mr. Goodlad, who was there."

Reflection
on the
system es-
tablished by
Mr. Hast-
ings.

Now apply this to Mr. Hastings' system. What was the system which he had established, by which, according to his own confession, a province might be ravaged, a people plundered and driven to rebellion, without an English officer, who was in the province, knowing anything about it? Such, however, was the system of intricacy and darkness that Mr. Hastings established, in defiance of a system of clearness and of light which had been established previous to that time. That was his own opinion of his own system: and I ask your Lordships, is it possible a man could, for any good purpose, appoint a system of government of which he has declared he had such an opinion?—that a great province, as large as the county of York, should be plundered from end to end, that the people should be driven out of the country, and the greatest cruelties and massacres be committed in it, and yet that a person high in office, who resided in the province, should be ignorant of it? And this is the system which you are desired to believe was established by Mr. Hastings for good purposes!

Proceedings
of the provin-
cial
diwans.

The prac-
tice of unit-
ing the
offices of
farmer and
diwan.

There are a number of officers who are known by the name of provincial diwans, in that country. The first act of Mr. Hastings' new administration was this,—and I shall charge Mr. Hastings, and shall state soon why I charge Mr. Hastings, with the acts of that committee,—the first step of their proceeding was, in a variety of instances, to join the office of farmer and diwan—that is to say, join the office of farmer and check upon the farmer together; and I shall show to your Lordships that, in every instance where farmers and the check were joined in one person, Mr. Hastings received a sum of money. And then shall I be asked whether Mr. Hastings established this government for these purposes?—shall I not immediately be told it is impossible

that any man could have acted so,—it is impossible that any man could have been so inconsistent with common sense as to do all this,—unless he had done it for purposes of corruption? 16 Feb. 1790.

I shall be able to prove what I have quoted of Mr. Hastings' opinion upon the case of Deby Sing, that his government, whatever merit it might have had, had at least this demerit,—that it was a government where the greatest enormities might be concealed; and I charge Mr. Hastings with having appointed a government of concealment for the purpose of concealing his own corruption. I shall show your Lordships that it was not attended even with that miserable advantage which Mr. Hastings said it would be attended with; for I shall show that, so far from saving expense, it was a prodigious increase of expense—very near in the ratio of three to two.

A government of concealment purposely established by Mr. Hastings.

No saving of expense effected by it.

My Lords, these are not opinions of my own merely; these are not opinions upon which any man can doubt who has ever looked into the papers I shall have the honour to lay before you. They are the opinions of all your governors at home; they are the opinions of all your governors abroad; and I shall show you what has been the opinion of high authority with respect to this plan:—

“On reviewing the conduct of our revenue department for some years past at more than double of what they had been in the year 1766.”*

Then away flies that miserable pretence of its being a saving plan, if I should show to your Lordships that it was an oppressive plan: even that pretence of saving is gone and fled: and what are you to think of that establishment, now, when it increases every expense of the whole country,—when the expense of collecting the revenue stands at double what it was before, under the old government? If I should state no more than what I have stated, would not your Lordships instantly come to this conclusion,—that it was for corrupt purposes that the provincial Councils were established,—that it was for corrupt purposes that these tools were put into the hands of Gunga Govind Sing, and that Gunga Govind Sing was invested with the whole management of the revenues of Bengal?

Corrupt motive in establishing the provincial Councils.

Having stated so much to your Lordships upon these subjects, the next point will be to show how Gunga Govind

Treatment of the committee of

* The paper referred to has not been found.

16 Feb. 1780.

revenue by
Mr. Hastings
and
Gunga Gov-
vind Sing.
Presents re-
ceived from
persons to
whom the
several pro-
vinces were
let.

Sing and Mr. Hastings used the committee itself. And I now come to state explicitly to you that the first acts of that committee ;—God knows, I charge not the committee, for they state themselves to be tools in the hands of Gunga Govind Sing :—but the first acts of Gunga Govind Sing and Mr. Hastings were these,—to let the province of Behar to a person of the name of Kelleraam, who paid Mr. Hastings 40,000*l.* ; to let the province of Rajeshaye to a miscreant of the name of Nundulul, who gave to Mr. Hastings 6,000*l.* ; to let the province of Dinagapore to a person of the name of Deby Sing, from which province, but from what person I cannot say, Mr. Hastings took 40,000*l.* I shall also state to your Lordships that he let the province of Burdwan to a person of the name of Nobkissin, from whom he afterwards received 30,000*l.* I shall also state to your Lordships that he let the province of Nuddea, under the administration of this committee, to the Raja himself, from whom he took 15,000*l.* These are the acts which were the immediate consequences following upon this committee ; this was the consequence of this new change in the administration of the revenue ; these are the purposes for which Gunga Govind Sing was employed ! Your Lordships will now, I hope, do me the justice to say that it was not for the sake of wandering into extraneous matter that I found it necessary to state all the variations which have been practised in the collection of the revenue, for they are not only extremely relevant to aggravate the criminality of this charge and to show how this corruption was carried on, but they are, in themselves, direct substantive charges before your Lordships.

Infamous
character of
Kelleraam.

About the middle of the year 1780, there was a person, of the name of Kelleraam, who was in confinement in a gaol near Patna for a balance that was owing to the Company. This man, I shall prove to your Lordships, was of the most notorious character in the whole country of Behar. He was a person detested by his own family, detested by every one who knew him, and a person that had suffered the greatest disgrace which could befall an Hindu—he had lost his caste ; and I cannot state his character in stronger words than as he is stated in one of the papers before me by one of his relations,—“ he is a character that is not to be found in Hindu or English book ; his wickedness is proverbial.” But, however, such as his character was, he was actually in gaol. I shall show that Mr. Hastings was not ignorant of his character of that man. In the year 1780, a letter is

Mr. Hastings aware
of his character.

received by the provincial Council at Patna, desiring that Kelleraam may come down immediately to Calcutta. Upon the receipt of that letter there is a division in the provincial Council with respect to the propriety of his going down, and those who oppose his going down state, it is impossible that Mr. Hastings could order Kelleraam down to Calcutta if he knew he was actually in confinement for a balance. But, however, it was carried, and down he went. The Council had made an annual settlement, at the rate of about between 32 and 33 lacs a year. They had made that settlement with the inferior renter and the inferior zamindar. I shall show your Lordships that that sum of 32 lacs, so put there, was equivalent to the offer, accepted by Mr. Hastings, of 34 lacs from this Kelleraam. But, when Mr. Hastings gets Kelleraam to Calcutta, all at once, he lets the whole province of Behar for 34 lacs, and secretly and privately takes from him a present of four lacs for himself. To have done this under the old administration was impossible.

The province of Behar let to Kelleraam, and a present accepted from him of 40,000*l*.

Just about the time of the change,—and, probably, it was one of the great reasons that led him to make that change,—he receives this 40,000*l*. from Kelleraam. He conceals it from all mankind; and his name was not discovered, nor did we know till we came to examine Mr. Anderson at our bar, from whom this money was taken;—so secret was Mr. Hastings in it! I shall prove that Mr. Hastings knew Kelleraam to be a person of the most infamous character. I shall prove that Mr. Hastings knew that, in letting it to Kelleraam, he contradicted every one of his own principles, for he was no native zamindar; he contradicted every one of his own principles, for he let the whole country to him. He put him into the kingdom of Behar, as it were, a sort of middle man between the government and the zamindars, and invested him with an authority which is often abused in the hands of good men, but impossible to be otherwise by bad men.

Concealment of the present.

Mr. Hastings conscious of breaking his own principles by the appointment.

The first act was to appoint Gunga Govind Sing as diwan to the revenue Council; which was, in fact, making the Council a tool in his hand. The next act of his administration was to place this miscreant, Kelleraam, a check upon himself, in the character of diwan; and, in the character of diwan, he was to check and do away those oppressions which he himself was to commit in the character of farmer. Over this farmer—whom Mr. Hastings has stated to be under the necessity of being rigid and even cruel—over this

Gunga Govind Sing the accomplice of Kelleraam.

16 FEB. 1799. cruel and rigid farmer is that very farmer, in another name, put, to check those evils he himself was to create. Whether that is possible to be done from good motives, or whether the corruption and the pecuniary receipt was not the cause, I shall leave your Lordships to determine.

Astonishment of the people at the appointment of Kellaram.

I shall prove at your Lordships' bar what impression this made upon the minds of the people,—how astonished they were that Mr. Hastings should rake into their gaols in order to select a person so lord it over them, and that he should withdraw from that person every check and control. It was forcibly described by one of the witnesses at the bar of the House of Commons, and, no doubt, he will describe it to your Lordships as he did to us. When he was asked what impression the introduction of Kellaram into that high authority made upon the province, he said,—“they dreaded it worse than a Mahratta invasion.”* Such was the impression that this act did produce, which Mr. Hastings tells you was for the benefit of the India Company! Was it for the benefit of the India Company that 40,000*l.* should be put into the pocket of Mr. Hastings? Was it for the benefit of the India Company that persons should be put to command in their provinces who were dreaded worse than the terrible and destructive invasion of a Mahratta army?

Oppressions practised by Kellaram.

But I shall show your Lordships that this man, so put, used his power as such a man naturally would use his power; that he ravaged and depopulated the whole country; that he was guilty of every species of oppression; that the revenue fell off, the people were unhappy, the country was desolated, and that all was misery around him. Then shall I be told,—“all this I did for the advantage of the India Company?”

Selfish objects of Mr. Hastings.

Will not your Lordships conclude, with me, that the provincial Councils were abolished, that Gunga Govind Sing was appointed, for the sake of facilitating these receipts? Will not your Lordships agree with me that the money was the motive for placing Kellaram there? Will not your Lordships agree with me that it is the greatest and grossest aggravation that can attend any crime of this nature, that for that money he sold a province, and for that money given to Mr. Hastings your people were plundered?

*The witness referred to was Mr. Young, member of the provincial Council of Behar. The question was repeated to him at the trial, but objected to by Mr. Hastings' Counsel, and the objection supported by the Court.—See “Minutes of the Evidence,” p. 1215.

Having proved these facts to your Lordships, and having proved to your Lordships that Kelleraam fell into great arrears to the East India Company, and that, so far from paying the revenue he contracted for, that very year he was in arrear to the amount of 70,000*l.*, I shall show that, so far from [the arrangement] being of advantage to the revenue, even if the money given to Mr. Hastings had been paid to the Company, it turned out to be a great loss; for that, that very year of his lease, Kelleraam was obliged to be turned out, at a loss of 70,000*l.* to the Company.

16 FEB. 1790.
Loss to the revenue by Kelleraam's arrears.

Having shown your Lordships the case of Kelleraam, in all its extent and in all its enormity, I shall then proceed to lay before you another case which has made a great deal of noise in the world,—I mean the case of Dinagapore. The case of Dinagapore must be presented to your Lordships in a double light. A sum of money was taken from the province; from whom it was taken I know not: that it was taken, that it was paid to Mr. Hastings through Gunga Govind Sing, I shall prove by the most incontrovertible evidence. I have heard it said, and I believe I have seen it in print, that it was taken as a pesheush, or a fine of investiture, as it is called, for the succession of the young Raja of Dinagapore. A term of the feudal law of Europe is transported into Bengal, for the purpose of finding a pretence for this sum so taken. But this I know, my Lords, that, for whatever cause it was taken, from whomsoever it was taken, the only story that has been told about it that cannot be true is that one; for I shall show to your Lordships that, over and above that sum of money, there was a regular pesheush taken from that young man, that it was regularly entered in the accounts of the Company, regularly carried to the credit of the Company, totally independent of the sum I have stated; so that, however it was taken, from whomsoever it was taken, the only account given of it by anybody pretending to be a friend to Mr. Hastings,—that it was taken as a pesheush, or fine of investiture, for the young Raja,—is the only account, of all the accounts, that cannot by any possibility be true.

Case of Dinagapore.

A sum of money taken from the province.

The sum taken independent of the pesheush paid by the young Raja.

This must not only be represented to your Lordships as a sum of money taken from a province, but I shall show to your Lordships the dreadful and horrible consequences which followed that sum so taken. I shall show that the debt incurred by the country, in consequence of that, afforded an excuse for letting loose the greatest miscreant in Bengal

Evil consequences of raising the money on the province.

16 FEB. 1780.

Corrupt administration of the committee of revenue.

upon it. I shall show that the administration of the committee of revenue was corrupt: and I do not know how I can better show that an administration of a revenue has been corrupt than by showing that it was applied to wicked and nefarious purposes. I shall show that the first act of that committee was to employ that person. I shall show you the power with which he was invested, and the uses of that power; and that all this flowed from, and was the direct consequence of, overturning the provincial Councils, and the direct consequence of that bribe which was taken by Mr. Hastings from Dinagepore.

Mr. Hastings responsible for the misgovernment of the province.

I may be told that Mr. Hastings is not responsible for the acts of that committee of revenue; that Mr. Hastings is not responsible for the acts of Deby Sing. I am not pretending to make Mr. Hastings responsible for the acts of Deby Sing, as if Mr. Hastings himself had literally and directly committed those acts. But I make Mr. Hastings responsible for the misgovernment of the province, in the appointment of Deby Sing; and I shall give an account of Deby Sing before your Lordships, in evidence, in order to show you that the province was misgoverned in the administration of Deby Sing.

If I was to state that Mr. Hastings had improperly delegated the authority that was vested in him by the laws of this country to a committee of revenue, I should say that, whenever a man takes to himself a legal power and authority, and then divests himself of that which is vested in him by law, he may fling off the execution of his office, but, by no twist, shift or contrivance, can he delegate away that responsibility which your Lordships have imposed upon him. He need not do the act personally, but, if he does not do the act himself, he must be responsible for the man who does it, because your Lordships have invested him with a responsibility for the good government of that country.—you have invested him with special responsibility for the administration of the revenue. He has himself declared that it is a trust which cannot be partially delegated, and yet he has, himself, delegated that trust. But I have not to encounter that difficulty, or to press your Lordships with that argument in this case, for I shall show to your Lordships that Mr. Hastings actually knew that Deby Sing was appointed to the government of these territories. I shall show your Lordships that Mr. Hastings actually knew that every control and check was withdrawn from Deby Sing. I shall show your Lord-

Mr. Hastings aware of the appointment of Deby Sing to the government of the province.

Mr. Hastings actually knew of all the pretences to the putting Deby Sing into the government of territories. And if I should do that, it is enough for her his delegation was right or wrong: if he knew at it was wrong, he ought to have checked it.

may be told,—“Ah! but he, innocent man, living ta, did not know the infamous, nefarious, character Sing.” I shall show your Lordships that he did t Deby Sing was every thing that I shall represent I shall show you that, in the year 1774, Mr. Has- tried and convicted Deby Sing. I shall show that s of which he convicted him were crimes, of all hich ought to have unfitted him for that great which he placed him. I shall show that, in 1774, convicted and condemned, that very Deby Sing for es of extortion, violence and oppression; and yet, h a knowledge of the man, he places that convicted t extortioner, that tyrant, in the government of a l mighty province! In the famine in 1777, Deby s the great instrument of mischief; Deby Sing d all the evils which the wrath of God had inflicted t unfortunate country. That famine, in which near f the inhabitants of Bengal perished, was doubly d by the rapacity of Deby Sing. Mr. Hastings, ied and convicted him of the crimes I have men- ter all that, places him in the government of a rovince. Shall I then be told that Mr. Hastings possible for the acts of that man whom he places, him to be infamous, in a situation of great power ority, and from whom he withdraws all those checks ols which are, in the best governments, necessarily a the best of men? I shall prove Mr. Hastings hought and said—“I so well know the character y of that man who was put into that situation, that him capable of committing every enormity laid to ge, and I believe him not only capable of doing . believe he has the ability to conceal it.” Yet, tings puts that person in that high situation; and ll I be told that it was for any other but wicked pt purposes that Mr. Hastings abolished that good nt, with all those necessary checks, and established : and inefficient government, for all the mischiefs ded it?

16 FEB. 1790.

Aware of his
infamous
character.

1811-12, 1790.
The house of
the young
Raja on the
territory.

Reason-
surrender of
the Raja.

The Raja
settles in
the house
of Deby
Sing ap-
pointed.

The house
of the Raja
of the ex-
haustion of
the country.

The Raja
deposed on
the basis of
debt to the
Company.

His debt ac-
crued by
the with-
drawal of
large sum
from the
country.

One of the first acts of the committee of revenue was to inform the infant zamindar of Dinagepore that they meant to have an increase levied upon his territory. They informed him that they were determined to make an increase of one lac [in his tribute], and a diminution of 50,000 rupees in the allowance that was made to him. This infant did not immediately comply with their terms. The next day the committee met, his servant is told that, instead of the one lac that was demanded of him, he must pay two. He tells the Committee,—I will pay two, if you insist upon it; I will sign an increase of anything, but I tell you the country cannot afford it; I tell you it is impossible to make it good out of the country. I tell you that the country is so ruined and exhausted that it can afford no increase whatever. However, as you insist upon it, have it you must; but you must take it with my information that the country cannot pay it."

What does the committee of revenue? That very day they accept the proposal of Deby Sing, and turn this unfortunate young man out of his territory, merely because he had told them that the country could not afford to pay what they demanded; and they let that country to Deby Sing that very day. What information had they that the country could afford to pay it? The only information that lay upon their table was this,—a letter from their chief there, Mr. Maxwell, informing the committee that the country had not yet recovered from the mischief and the miseries of the famine in 1777. With such information before them, they exact an increase of 20,000/. Knowing that all the mischiefs of that famine were aggravated by this miscreant, Deby Sing, they send this miscreant back to that country, in order to complete the mischief and ruin he had begun in 1777. Did Mr. Hastings know that conduct? I shall show that all the proceedings of the committee were regularly transmitted to him; that he knew of that appointment of Deby Sing. Then the Raja was in balances to the Company: most unquestionably he owed to the government the sum of 6,300/. So, upon pretence of his saying that his country could not pay the increase, and upon pretence of this debt of 6,300/, the young infant is turned out of his territory, and this villain Deby Sing is placed in the possession of it.

Why did that debt accrue? I will tell your Lordships why:—because Mr. Hastings and Gunga Govind Sing were in the private receipts of sums of money out of that country, amounting, in the whole, to four lacs of rupees, which they

evied upon that country privately. Do your Lordships
 ler that, when 40,000*l.* is plundered from a country by
 Hastings, the Raja should run 6,000*l.* in debt to the
 pany? Ought not Mr. Hastings to have stood forward

16 FEB. 1790.
 Mr. Hast-
 ings.

that occasion, and told the committee of revenue,—
 is true this miserable infant is in debt to the Company
 um of 6,000*l.*; but you forget that, over and above his
 ue, I have in my pocket 40,000*l.*, which I have received
 that country. It is true he has paid, not only his
 ue, but a great deal more than his revenue. It is not
 for a peshcush, because you yourselves know you credit
 heush in account. The peshcush is settled and fixed;
 not be that sum of money. It is a payment that is
 to me, upon whatever account it is made or however
 made. For God's sake, do not tear the estate from that
 rtunate young man for the trifling debt of 6,000*l.*; do not
 o the convicted felons of Calcutta in order to put a
 on in his estate; for the Company is overpaid: it is in
 ocket—it is in the hands of Gunga Govind Sing."

What does Mr. Hastings do? He conceals all this trans-
 n. He lets no person know, nor did anybody know
 786, that this money was received from Dinagepore;
 in that year we find that, when Mr. Hastings allowed
 committee to make a pretence of this trifling debt of
 0*l.* for dispossessing a minor of his inheritance and put-
 a vagabond in charge of his estate, he from that
 ent carefully concealed from all mankind that 40,000*l.*
 paid to himself.

Conceal-
 ment of the
 sums re-
 ceived by
 Mr. Hast-
 ings.

What is the next act of Mr. Hastings? He appoints
 y Sing to be diwan of the province of Dinagepore, and
 s him a considerable salary for executing that office:
 if he had well executed it I confess he well deserved the
 y, for much would the diwan have to do. But I doubt
 h whether Deby Sing, who had ravaged a country, who
 taken away to the amount of 400,000 maunds of corn
 one country, was a proper person to put as a check
 anybody; sure I am he was the most unfit of all
 ons to be a check upon himself. But this very Deby
 is the person whom Mr. Hastings himself places as
 n of the province of Dinagepore. Are you to wonder
 the province was plundered and oppressed? Are you
 onder that all good government was at an end? Are
 to wonder that the whole country went to wreck and
 ? No, it is impossible that it could have been other-

Appoint-
 ment of
 Deby Sing
 as diwan.

6 Feb. 1780. wise. Every step that was taken by Mr. Hastings was in order to establish bad government in that country; and upon the wickedest, falsest and most frivolous, pretence of a trifling debt due from this Raja, this man, whom Mr. Hastings knew to be the person that I have described him to be, is placed in charge of the collection of that country.

Deby Sing appointed guardian to the Raja.

I should state that he not only was put in charge of the collections of that revenue, but that, sometime afterwards, that very person, so known, so described, is put into another charge. This young zamindar is found to be a little more in debt to his private creditors; and the government, kindly undertaking the office of his guardian, set themselves about to find out a proper person who would arrange and manage his affairs and pay his private debts. Who is the person whom they select? Deby Sing is the person. So that he is invested with every species of authority which that country knows—farmer, diwan, guardian to the young zamindar: all these authorities vested in him!

Duty of Mr. Hastings to have prevented the appointment.

I know extremely well that this last act was not specially and particularly the act of Mr. Hastings. I know he was not at Calcutta when it was done. But it was Mr. Hastings' duty to have told his colleague, whom he kept in office: above all, to have told that committee of tools, and, above all, to have told his bribe-broker, Gunga Govind Sing,—“I know this young man is in debt to the amount of 20,000*l*; I have 40,000*l* of his in my pocket; for God's sake, take care of him.”

He and his committee put the greatest tyrant that could be picked out in Bengal into all these offices. Need I tell your Lordships that everything that was to be dreaded from that followed? The first act of Deby Sing was to establish a great increase all over the country: a great increase had been established by the guardian of the young Raja during the year he had it; it was established to pay the 10,000*l* to Mr. Hastings: and Deby Sing, instead of collecting fourteen lacs, collected sixteen lacs from the country; and he not only got this given to him from the country, but more, to the amount of 300,000*l*; which all ended in universal rebellion and confusion.

I cannot state the severities committed in that country in stronger terms than Mr. Hastings himself has transmitted to this country.

R. rebellion occasioned by Deby

In 1782 there broke out an universal rebellion all over the country. Deby Sing fell into monstrous arrears to the

Company, and was turned out of his province. In the year 1783, Gunga Govind Sing and Mr. Hastings sent up a person, of the name of M'Dowal, to see what was the actual state of that country. He reports to that committee: and Mr. Hastings, uncontradicted, sends over those accounts to this country as containing a true and actual state of Dinagopore. He says,—

16 FEB. 1790.
Sing's se-
verities.

“The state to which I found the country was reduced by the severities which had been exercised for the last two years gave me the greatest concern many villages being left without a single inhabitant.”* Account of state of the country.

Such are the accounts of that country after the fostering and protecting hand of Mr. Hastings had taken care of it. The country is desolated, ruined and destroyed; whole villages empty; every thing in desolation, confusion and ruin. And yet Mr. Hastings tells you,—“I appointed this committee for the benefit of the Company. I appointed Deby Sing for the benefit of the Company. I took this money for the benefit of the Company.” Was it for the benefit of the Company that he appointed this committee?—was it for the benefit of the Company that he appointed Deby Sing?—was it for the benefit of the Company that he took this money?—was it for the benefit of the Company that whole provinces should present nothing to the eye but an universal scene of havoc? Yet such is the good government of Mr. Hastings; and such is that country which, in other places we are told, was safe, happy and prosperous, under his government!

These are not the only accounts that were sent down by Mr. M'Dowal. I state them because they are the uncontradicted accounts of Mr. Hastings himself; for these accounts, so received by Mr. Hastings, he transmits over to this country as containing the true situation and state of the country. But that is not all, for he proceeds to act upon these accounts. He and his committee take these accounts; they proceed to act upon them; and, in the year 1783, they again let the country to the young Raja at a considerable reduction in its revenue, which reduction they state to be absolutely necessary in consequence of its impoverished state. I am obliged to go into all these matters, because Mr. Hastings has attempted to state in his answer that those sums of money he took were for the use and benefit of the

M'Dowal's
account
adopted by
Mr. Hast-
ings.

The province
let to the
Raja at a
reduced
rent.

* No copy of this paper has been found.

16 FEB. 1790. East India Company. I shall show your Lordships that, so far was it from being for the benefit of the East India Company, in no place where he took a sum of money from a province, was it not attended with a direct loss to them, and so much so in this case that, in the year 1783, they were obliged to let this very land to the zamindar at a jama lower than he or his father had ever held it for before.

Loss accruing to the Company in 24 cases where Mr. Hastings took money for letting the provinces.

Mr. Hastings acting against his own principle in depriving zamindars of their lands.

I must upon this occasion remark that the committee again revert to the old principle established by Mr. Hastings, that, in every instance where there has been a necessity for depriving a zamindar of his land, no other person that succeeded to it has made it so advantageous to the Company. That was the opinion of Mr. Hastings. I never find him deviate from it but where I find a sum of money. He deviated from it in the instances of Kelloram and of Deby Sing, and he took a sum of money from the province in both. Then I have a right to say that, if I find him constantly deviating from his rule, but never deviating from it without the deviation being accompanied with a sum of money, that sum of money was the cause of that deviation. It was not an ignorant deviation: he knew the consequence of it.

Mr. Paterson sent to inquire into the state of the country.

Soon after this, Mr. Paterson was sent up to inquire into the situation of this country. He states every species of cruelty to have been exercised that it is possible to exercise upon man. I have been told that it is not proved that those cruelties existed. I state that it is proved that every one of these cruelties existed: at least, if every one did not exist, that by much the greatest part of them existed. Mr. Hastings did not choose to give implicit credit to the report of Mr. Paterson, and a second commission was sent up, who report, almost in the same terms, the actual execution of those cruelties.

A second commission to inquire.

I shall have occasion to state, by and by, upon what a quibble and pretence it is that they say that those cruelties were not exercised. They were not personally exercised—many of them—by Deby Sing, to be sure: the great governor of a country does not upon all occasions condescend to exercise the part of a hangman: but they were exercised by his minions. That second commission ushers in its report in this way,—

Answer to the plea that the cruelties were not perpetrated by Deby Sing.

“To enable the Board to form . . . never were used in enforcing the payment of the revenue before the year 1188.”*

*The report referred to has not been found

That year, 1188, is the year of Deby Sing's lease. I care not who exercised those cruelties. I care not whether it was Deby Sing or any of the miscreants that attended Deby Sing. It was done under the government of Mr. Hastings, and I charge Mr. Hastings with the misgovernment of that country. They proceed, in another part, to state that in this province of Dinagopore every one of those cruelties were exercised. I know what the commissioners say. They say that the last charge of flogging children to extort payment from their parents is not proved. But how do they say it? They say,—“If, as we conceive, by children is meant those of nine or ten years old, then we find the charge not proved; but if it is meant by the charge that children are boys of fourteen, then the charge is proved.”

16 FEB. 1790.
Mr. Hastings responsible for the government of the province.

Charge of flogging children.

Good God! my Lords, can you sit with patience to hear a set of men discuss about the age of puberty, and doubt whether the charge is proved, because it happens that one of the unfortunate victims of that charge has, perhaps, passed the age of fourteen? My Lords, these are not my words; they are the words of the commissioners, without the least amplification. They are the words of these commissioners, whose opinions have been bruited about the world as stating that not one of the offences charged to have been committed by Deby Sing has been proved.

If it is true, as the commissioners state, that these are the usual and ordinary modes of collecting your revenue in Bengal, dreadful would be our situation. If these are the modes of collecting a revenue in Bengal, much would it call for your Lordships, in another capacity, to exercise your authority. I am happy to say, I do not believe that these are the usual modes of collecting your revenue. I have it from the authority of all those who are concerned in the Supreme Council, that these are not the usual modes. But if these are not the usual modes, what must you think of the commissioners who can boldly state a falsehood, reflecting upon the character of your country, to the very Supreme Board at Calcutta, in order to justify such a miscreant as Deby Sing—in order to take a little from his offence and to load the country with much? Every one of these cruel oppressions was introduced in the year 1183—corresponding with our years 1781, 1782—under the government of that person. These cruelties could not have existed under another system of government. Mr. Hastings had oppressed

The cruelties resulted from the efforts to raise money.

16 FEB. 1790. the country in order to raise 40,000*l.* out of it: that oppression is made the pretence of putting Deby Sing there. Deby Sing could not pay without oppressing the country, and, for fear he should not have ability to oppress the country, every check and control is withdrawn from him.

Lord Cornwallis' opinion of the cruelties practiced.

It is said that these are only the opinions of the commissioners. I shall prove these facts to your Lordships by the incontrovertible opinion of Lord Cornwallis, when he tried that cause,—for Mr. Hastings left that cause to Lord Cornwallis to try, as a legacy. He tried that cause, and convicted the persons concerned of having committed every one of those cruelties I have stated. He states the unfortunate situation of that country, in the beginning of his judgment upon that subject. “I know,” says he, “that that country was much over valued in the Bengal year 1188. I ascribe that to two causes,—first, to the ignorance of the committee, and next, to the oppression and wickedness of Deby Sing;” to the ignorance of that perfect system of government which Mr. Hastings tells you he had established. And Mr. Shore, who was one of that committee, in giving his judgment upon that case of Deby Sing, says,—“It is true, the country was over valued: it is true that Deby Sing put an amazing increase upon the revenue of that country—that he demanded more, infinitely, than all that country could pay.” But what could Deby Sing know about Dinagapore? He must have been ignorant of its situation, and might have demanded a large increase, thinking they could pay it. Why then did Mr. Hastings send a man to a country who knew nothing about it, and why not send a man to prevent him from committing all these excesses?

Mr. Hastings, responsible for Deby Sing's conduct.

Acquittal of Deby Sing by Lord Cornwallis.

The cruelties charged on his deputy.

I am told, and have been told sometimes out of doors triumphantly, that Lord Cornwallis acquits Deby Sing of the actual commission of a great many of these cruelties. I know he does; he acquits him in the same manner as I now acquit Mr. Hastings, of the actual commission of those cruelties, but he charges the actual commission upon his deputy. It is equally indifferent to me whether they were committed by the one or the other; they were committed under the government of Mr. Hastings, and Mr. Hastings is responsible for the good government of that country. It is not with the commission of the cruelties that I charge him, but with having governed that country so that such cruelties could be committed under his government. I charge

him with having oppressed, plundered and ruined, the country of Bengal, for the sake of and through the medium of that corruption he has taken. 16 FEB. 1700.

Good God! if we are to carry the evidence of responsibility in the way stated, where are your Lordships to look for responsibility in the government of Bengal? Mr. Hastings comes to your Lordships' bar and says,—“ I am not responsible for those acts, I delegated my power to the committee.” The committee come to your bar and say,—“ We are not responsible for those acts, we delegated our power to Deby Sing.” Then comes Deby Sing to your Lordships' bar, and tells you,—“ I am not responsible for those acts; my deputy is responsible, who is the person that did it.” And your Lordships are sent to seek the responsibility of British government in Asia from the lowest miscreant to be found in the province of Dinagepore.

Such would be the effect of that doctrine of responsibility, put in the way in which they put it. Let him delegate, as he pleases, through a hundred hands all the power he had, he cannot delegate that responsibility. I charge him with having placed the government of that country in hands that could not be good, and I charge him with having taken a present of 40,000*l.* from that country.

I have shown to your Lordships that Kelloram was no zamindar, but a farmer. I have shown your Lordships that every check upon him was withdrawn. I have shown to your Lordships that Deby Sing was exactly in the same situation; and, having shown to your Lordships that both these countries were oppressed, ravaged and ruined,—having shown that from both these countries, so oppressed, ravaged and ruined, a sum of money was privately taken by Mr. Hastings and concealed by Mr. Hastings,—I have now to come to another case, that of Rajeshaye.

Your Lordships will find that Mr. Hastings is charged with having taken a sum of about 6,000*l.* from a person of the name of Nundulul. Mr. Hastings knew Nundulul to be a person of as infamous character as either of the two persons I have mentioned to your Lordships. Nundulul, I will prove, was concerned in the corrupt transactions in which Mr. Hastings' banya was concerned, in the year 1773. In the year 1773, there was a charge made by the Rani of Rajeshaye of sums of money taken by the banyas of Mr. Hastings, of Mr. Middleton and of Mr. Graham. That charge was completely and perfectly proved, to the

Question of Mr. Hastings' responsibility.

Case of Rajeshaye. Mr. Hastings' acceptance of 6,000*l.* from Nundulul. Character of Nundulul.

Charge by the Rani of Rajeshaye against Mr. Hastings' banyas of

16 FEB. 1799. satisfaction of all mankind. The persons who paid the money came and swore positively that they paid such and such sums of money to the banyas of these three gentlemen. The question that was put at the Board was this,—“Is it proved that such a sum of money was taken?” Every one of the Council, except Mr. Hastings, says it is proved. They could not say otherwise, for three men upon their oaths swore positively that it was paid to them : and then comes Mr. Hastings and says,—“I do not think the charge proved.” Nundulul was concerned in this charge; Nundulul has been concerned in concealing that charge,—in preventing its coming forward to the Council. In consequence of that he was dismissed by the majority. Mr. Hastings chooses to adopt that charge against his banya so dismissed, and to say that a charge against his banya is a charge against himself. Mr. Hastings is told by everybody that Nundulul is a person of a character the most infamous in the province to which he belongs. Notwithstanding all that, he is protected by Mr. Hastings. At the moment of the unfortunate death of Colonel Monson, in 1776, he is again put into high office—is placed in the same office with Gunga Govind Sing, as one of Mr. Hastings’ amils; and, being so placed, he is then accused—I do not care whether truly or falsely—of misusing and misconducting himself in that office.

The first act of Mr. Hastings’ committee is, to demand from the province of Rajeshaye an increase more than it could afford to pay. The Rani of Rajeshaye comes down to the committee and says,—“I cannot give the increase you demand of me.” That very day that she refuses, they complete a bargain with Nundulul. Before that bargain was finished, the Rani informed the committee, by her servant, that she was ready to give the increase demanded, rather than this miscreant and this enemy of her house should be put over her estate. They turn her out of her possession because she is an hour too late in her offer; and they put this person, who was her own dismissed servant, into the charge of the collections. This person acted as one would naturally suppose he would act. He did, exactly, what all those other persons have done : he oppressed the country; he made the ryots fly; he left whole villages without an inhabitant, and desolated the country of Rajeshaye. A complaint was made to the committee; a former charge was specifically made, and entered upon the

16 FEB. 1799.
taking sums
of money.

Nundulul
concerned
and at-
tacked.

He is de-
fended by
Mr. Hast-
ings.

He is again
placed in a
high office
by Mr. Hast-
ings.

Demand
from the pro-
vince of in-
creased rent.
Refuses-
sistance of
the Rani,
and her
ejection
from office.

Appoint-
ment of
Nundulul.
His oppres-
sion of the
province.

books of the committee against him for this oppression. I will show to your Lordships, from opinions that I am sure will not be controverted, that he fell into large balances to the Company. I shall show it from opinions that I am sure not one of my learned friends will controvert—the opinion of a fair, respectable and impartial, man, who was sent up into that country, and whose letters I shall produce by and by—a gentleman of the name of Dallas,—who states that he found that country in exactly the same situation that Mr. Paterson found Dinagepore, and the other gentlemen found Rajeshaye after the expiration of Nundulul's lease. And, instead of paying the rent he bargained to pay, he, too, fell 40,000*l.* or 50,000*l.* in arrear, in that very year in which the country was so oppressed.

16 FEB. 1790.
His arrears in account.

In consequence of that complaint which I stated to your Lordships, Nundulul was called upon by the committee to give an answer. He attempts to answer some part of the complaint, but the principal and the best answer which he makes to the complaint is,—“I have seen Mr. Hastings and Mr. Anderson at Moorshedabad.” Upon reading the complaint and the answer, and well understanding the emphatical meaning of that phrase, the committee immediately give this extraordinary verdict upon the complaint which is before them: your Lordships will always understand that I do not charge the committee as being criminal with any of these acts, because I know they were what they represent themselves to be, tools in the hands of Gunga Govind Sing, and, therefore, it will be fair for me to state this as the opinion and verdict of Gunga Govind Sing upon his friend:—

Nundulul's answer to the complaint against him. Reference to Mr. Hastings.

“The Committee find that it is impossible to form a decision . . .”

* Judgment of the committee of revenue. Acquittal of Nundulul.

An assertion made and contradicted may be an occasion for a committee to inquire; but, surely, it is not quite a sufficient reason for a committee to acquit. They proceed to state,—“that it is probable that in most instances the offences are exaggerated,”—why it is most natural that the allegation was untrue or exaggerated I am totally at a loss to comprehend; but the committee choose to think it is probable that those allegations are exaggerated,—“and, admitting this, probably the complaints would be less

* The papers relating to the inquiry into the affairs of the province of Rajeshaye are printed in the Appendix to the Eleventh Report from the Select Committee on the affairs of India; but the document referred to has not been found.

16 FEB. 1796. "SERIOUS than they appear to be." Most unquestionably, it did not require either the wisdom of that committee or the wisdom of their master, Gunga Govind Sing, to discover that, if a complaint is exaggerated, it is exaggerated—which I take to be the purport and meaning of the words I have now read: that, most unquestionably, is a conclusion irresistibly true. "This complaint, which is stated to be asserted on one hand and denied upon the other, we believe to be exaggerated, and if exaggerated is unquestionably exaggerated." They go on then to give their verdict upon it,—“Under these circumstances the committee deem it more material to prevent these severities in future.”

It was the duty of the committee to enter into an examination of what passed; it was the duty of the committee to punish what was amiss. But I will show your Lordships the singular mode this committee took to prevent those severities in future; for it was just as singular and extraordinary as any part of what I have read to your Lordships. They do not write to condemn Nundulul; they do not write to desire him to be more cautious in future; they do not write to him,—“we have complaints against you;” but they write to him,—

“Agreed, therefore, that a perwannah be written to Nundulul not to oppress and injure.”

Now is that a fair, impartial, verdict upon the complaint stated? or is it not that they understood those words in his answer,—“I have seen Mr. Hastings and Mr. Anderson at Moorshedabad?”

Mr. Hastings influenced by money received from Nundulul.

I come now to explain what is meant by those words, and then your Lordships will not wonder at that extraordinary verdict. Mr. Hastings upon his way to Benares receives 58,000 rupees; Mr. Larkins tells us that sum was received from Nundulul. Then your Lordships have no difficulty to discover why the complaints were supposed to be exaggerated. Your Lordships have no difficulty to see the force of that strong mode of reasoning,—that, if complaints are exaggerated, they are unquestionably greater than they ought to be. Your Lordships will have no difficulty in seeing the force of that curious sort of reprimand which is given,—“we will protect you in all your rights, and defend you from every oppression.” He had given Mr. Hastings 58,000 rupees at Moorshedabad: the complaint vanishes, and you hear no more of anything against him, till, at the

expiration of his lease, when he falls in balance to the Company, Mr. Dallas is sent to see if his justice and humanity can remedy all the oppressions and mischiefs which were occasioned by that farmer. "I have seen Mr. Hastings and Mr. Anderson at Moorshedabad," is a complete answer to all the complaints of the rayats. But you find the country desolated and wasted; you find the rayats flying from one corner to another; you find it impoverished and ruined, and that, Mr. Hastings having robbed Nundulul of all he could rob him of, he and his committee come back to that system again, and let that country again to the Rani, from whom they had taken it, at a decreased jama.

16 FEB. 1790.
The province taken from Nundulul and restored to the Rani.

Why is this jama decreased? Because the country is oppressed. Why is Rajeshaye again let at a decreased jama? Why is the jama of Behar, Dinagapore, Rungpore and Edracpore, lowered? Because the countries have been oppressed by those to whom Mr. Hastings had sold them. And then, I shall be told that this was for the benefit and advantage of the Company!

The jama reduced because of the impoverishment of the country.

The next sum of money which I have to state to your Lordships, as having been received by Mr. Hastings, is certainly the most extraordinary that ever was presented by anybody; and it is still more extraordinary that Mr. Hastings has chosen to vindicate it. I shall state the transaction as shortly as I can; and it is very short indeed.

Case of the borrowing of three lacs from Nobkissin.

"In the year 1784,"—Mr. Hastings states boldly to the House of Commons,—“I was in want of a sum of money. The Company was in my debt, and it was not very convenient for them to pay it; but it was extremely convenient to me that my debt should be paid. However, not wishing to oppress my indulgent masters, I sent to a person whom I knew to be rich, because I had employed him in the service of the revenue, of the name of Nobkissin; I told him I wanted to borrow of him three lacs of rupees; I desired him to bring a bond ready filled up.”

Nobkissin brought his bond and the money; but, being greatly in arrear to the Company,—owing large sums of money to Mr. Hastings' masters,—having been entrusted with the collections of the great province of Burdwan by Mr. Hastings,—having misconducted himself and mismanaged those collections,—having been employed under the authority of Mr. Hastings—the authority of the Company—to receive his own debt, and having made use of that authority in order to contract a debt to the Company,—he begs of Mr. Hastings, for God's sake, to take this sum of money. Mr. Hastings takes it, but is doubtful for some time to what account he should put it. At last, when he is about

Nobkissin in arrears to the Company.

Mr. Hastings' pretext for appro-

16 Feb. 1790.

Loss accruing to the Company in all cases where Mr. Hastings took money for letting the provinces.

Mr. Hastings acting against his own principle in depriving zamindars of their lands.

East India Company. I shall show your Lordships that, so far was it from being for the benefit of the East India Company, in no place where he took a sum of money from a province, was it not attended with a direct loss to them, and so much so in this case that, in the year 1783, they were obliged to let this very land to the zamindar at a jama lower than he or his father had ever held it for before.

I must upon this occasion remark that the committee again revert to the old principle established by Mr. Hastings, that, in every instance where there has been a necessity for depriving a zamindar of his land, no other person that succeeded to it has made it so advantageous to the Company. That was the opinion of Mr. Hastings. I never find him deviate from it but where I find a sum of money. He deviated from it in the instances of Kelloram and of Deby Sing, and he took a sum of money from the province in both. Then I have a right to say that, if I find him constantly deviating from his rule, but never deviating from it without the deviation being accompanied with a sum of money, that sum of money was the cause of that deviation. It was not an ignorant deviation: he knew the consequence of it.

Mr. Paterson sent to inquire into the state of the country.

Soon after this, Mr. Paterson was sent up to inquire into the situation of this country. He states every species of cruelty to have been exercised that it is possible to exercise upon man. I have been told that it is not proved that these cruelties existed. I state that it is proved that every one of these cruelties existed: at least, if every one did not exist, that by much the greatest part of them existed. Mr. Hastings did not choose to give implicit credit to the report of Mr. Paterson, and a second commission was sent up, who report, almost in the same terms, the actual execution of those cruelties.

A second commission to inquire.

I shall have occasion to state, by and by, upon what a quibble and pretence it is that they say that those cruelties were not exercised. They were not personally exercised—many of them—by Deby Sing, to be sure: the great governor of a country does not upon all occasions condescend to exercise the part of a hangman: but they were exercised by his minions. That second commission ushers in its report in this way,—

Answer to the plea that the cruelties were not perpetrated by Deby Sing.

“To enable the Board to form never were used in enforcing the payment of the revenue before the year 1788.”*

*The report referred to has not been found.

That year, 1188, is the year of Deby Sing's lease. I care not who exercised those cruelties. I care not whether it was Deby Sing or any of the miscreants that attended Deby Sing. It was done under the government of Mr. Hastings, and I charge Mr. Hastings with the misgovernment of that country. They proceed, in another part, to state that in this province of Dinagepore every one of those cruelties were exercised. I know what the commissioners say. They say that the last charge of flogging children to extort payment from their parents is not proved. But how do they say it? They say,—“If, as we conceive, by children is meant those of nine or ten years old, then we find the charge not proved; but if it is meant by the charge that children are boys of fourteen, then the charge is proved.”

16 FEB. 1700.
Mr. Hastings responsible for the government of the province.

Charge of flogging children.

Good God! my Lords, can you sit with patience to hear a set of men discuss about the age of puberty, and doubt whether the charge is proved, because it happens that one of the unfortunate victims of that charge has, perhaps, passed the age of fourteen? My Lords, these are not my words; they are the words of the commissioners, without the least amplification. They are the words of these commissioners, whose opinions have been bruited about the world as stating that not one of the offences charged to have been committed by Deby Sing has been proved.

If it is true, as the commissioners state, that these are the usual and ordinary modes of collecting your revenue in Bengal, dreadful would be our situation. If these are the modes of collecting a revenue in Bengal, much would it call for your Lordships, in another capacity, to exercise your authority. I am happy to say, I do not believe that these are the usual modes of collecting your revenue. I have it from the authority of all those who are concerned in the Supreme Council, that these are not the usual modes. But if these are not the usual modes, what must you think of the commissioners who can boldly state a falsehood, reflecting upon the character of your country, to the very Supreme Board at Calcutta, in order to justify such a miscreant as Deby Sing—in order to take a little from his offence and to load the country with much? Every one of these cruel oppressions was introduced in the year 1183—corresponding with our years 1781, 1782—under the government of that person. These cruelties could not have existed under another system of government. Mr. Hastings had oppressed

The cruelties resulted from the efforts to raise money.

16 FEB. 1790. the country in order to raise 40,000*l.* out of it; that oppression is made the pretence of putting Deby Sing there. Deby Sing could not pay without oppressing the country, and, for fear he should not have ability to oppress the country, every check and control is withdrawn from him.

Lord Cornwallis' opinion of the cruelties practised.

It is said that these are only the opinions of the commissioners. I shall prove these facts to your Lordships by the incontrovertible opinion of Lord Cornwallis, when he tried that cause,—for Mr. Hastings left that cause to Lord Cornwallis to try, as a legacy. He tried that cause, and convicted the persons concerned of having committed every one of those cruelties I have stated. He states the unfortunate situation of that country, in the beginning of his judgment upon that subject. “I know,” says he, “that that country was much over valued in the Bengal year 1188. I ascribe that to two causes,—first, to the ignorance of the committee, and next, to the oppression and wickedness of Deby Sing;” — to the ignorance of that perfect system of government which Mr. Hastings tells you he had established. And Mr. Shore, who was one of that committee, in giving his judgment upon that case of Deby Sing, says,—“It is true, the country was over valued; it is true that Deby Sing put an amazing increase upon the revenue of that country—that he demanded more, infinitely, than all that country could pay.” But what could Deby Sing know about Dinagopore? He must have been ignorant of its situation, and might have demanded a large increase, thinking they could pay it. Why then did Mr. Hastings send a man to a country who knew nothing about it, and why not send a man to prevent him from committing all these excesses?

Mr. Hastings responsible for Deby Sing's conduct.

Acquittal of Deby Sing by Lord Cornwallis.

The cruelties charged on his deputy.

I am told, and have been told sometimes out of doors triumphantly, that Lord Cornwallis acquits Deby Sing of the actual commission of a great many of these cruelties. I know he does; he acquits him in the same manner as I now acquit Mr. Hastings, of the actual commission of those cruelties, but he charges the actual commission upon his deputy. It is equally indifferent to me whether they were committed by the one or the other; they were committed under the government of Mr. Hastings, and Mr. Hastings is responsible for the good government of that country. It is not with the commission of the cruelties that I charge him but with having governed that country so that such cruelties could be committed under his government. I charge

him with having oppressed, plundered and ruined, the country of Bengal, for the sake of and through the medium of that corruption he has taken. 16 FEB. 1790.

Good God! if we are to carry the evidence of responsibility in the way stated, where are your Lordships to look for responsibility in the government of Bengal? Mr. Hastings comes to your Lordships' bar and says,—“I am not responsible for those acts, I delegated my power to the committee.” The committee come to your bar and say,—“We are not responsible for those acts, we delegated our power to Deby Sing.” Then comes Deby Sing to your Lordships' bar, and tells you,—“I am not responsible for those acts; my deputy is responsible, who is the person that did it.” And your Lordships are sent to seek the responsibility of British government in Asia from the lowest miscreant to be found in the province of Dinagepore.

Question of Mr. Hastings' responsibility.

Such would be the effect of that doctrine of responsibility, put in the way in which they put it. Let him delegate, as he pleases, through a hundred hands all the power he had, he cannot delegate that responsibility. I charge him with having placed the government of that country in hands that could not be good, and I charge him with having taken a present of 40,000*l.* from that country.

I have shown to your Lordships that Kelloram was no zamindar, but a farmer. I have shown your Lordships that every check upon him was withdrawn. I have shown to your Lordships that Deby Sing was exactly in the same situation; and, having shown to your Lordships that both these countries were oppressed, ravaged and ruined,—having shown that from both these countries, so oppressed, ravaged and ruined, a sum of money was privately taken by Mr. Hastings and concealed by Mr. Hastings,—I have now to come to another case, that of Rajeshaye.

Your Lordships will find that Mr. Hastings is charged with having taken a sum of about 6,000*l.* from a person of the name of Nundulul. Mr. Hastings knew Nundulul to be a person of as infamous character as either of the two persons I have mentioned to your Lordships. Nundulul, I will prove, was concerned in the corrupt transactions in which Mr. Hastings' banya was concerned, in the year 1773. In the year 1773, there was a charge made by the Rani of Rajeshaye of sums of money taken by the banyas of Mr. Hastings, of Mr. Middleton and of Mr. Graham. That charge was completely and perfectly proved, to the

Case of Rajeshaye. Mr. Hastings' acceptance of 6,000*l.* from Nundulul. Character of Nundulul.

Charge by the Rani of Rajeshaye against Mr. Hastings' banyas of

10 FEB. 1790.
taking sums
of money.

Nundulul
concerned
and dis-
missed.

He is des-
tined by
Mr. Hast-
ings.

He is again
placed in a
high office
by Mr. Hast-
ings.

Demand
from the pro-
vince of in-
creased rent.
Remon-
strance of
the Rani,
and her
ejection
from office.

Appoint-
ment of
Nundulul.
His oppres-
sion of the
province.

satisfaction of all mankind. The persons who paid the money came and swore positively that they paid such and such sums of money to the banyas of these three gentlemen. The question that was put at the Board was this,—“Is it proved that such a sum of money was taken?” Every one of the Council, except Mr. Hastings, says it is proved. They could not say otherwise, for three men upon their oaths swore positively that it was paid to them: and then comes Mr. Hastings and says,—“I do not think the charge proved.” Nundulul was concerned in this charge; Nundulul has been concerned in concealing that charge,—in preventing its coming forward to the Council. In consequence of that he was dismissed by the majority. Mr. Hastings chooses to adopt that charge against his banya so dismissed, and to say that a charge against his banya is a charge against himself. Mr. Hastings is told by everybody that Nundulul is a person of a character the most infamous in the province to which he belongs. Notwithstanding all that, he is protected by Mr. Hastings. At the moment of the unfortunate death of Colonel Monson, in 1776, he is again put into high office—is placed in the same office with Gunga Govind Sing, as one of Mr. Hastings’ amils; and, being so placed, he is then accused—I do not care whether truly or falsely—of misusing and misconducting himself in that office.

The first act of Mr. Hastings’ committee is, to demand from the province of Rajeshaye an increase more than it could afford to pay. The Rani of Rajeshaye comes down to the committee and says,—“I cannot give the increase you demand of me.” That very day that she refuses, they complete a bargain with Nundulul. Before that bargain was finished, the Rani informed the committee, by her servant, that she was ready to give the increase demanded, rather than this miscreant and this enemy of her house should be put over her estate. They turn her out of her possession because she is an hour too late in her offer; and they put this person, who was her own dismissed servant, into the charge of the collections. This person acted as one would naturally suppose he would act. He did, exactly, what all those other persons have done: he oppressed the country; he made the ryots fly; he left whole villages without an inhabitant, and desolated the country of Rajeshaye. A complaint was made to the committee; a formal charge was specifically made and entered upon the

books of the committee against him for this oppression. 16 FEB. 1790. I will show to your Lordships, from opinions that I am sure will not be controverted, that he fell into large balances to the Company. I shall show it from opinions that I am sure not one of my learned friends will controvert—the opinion of a fair, respectable and impartial, man, who was sent up into that country, and whose letters I shall produce by and by—a gentleman of the name of Dallas,—who states that he found that country in exactly the same situation that Mr. Paterson found Dinagepore, and the other gentlemen found Rajeshaye after the expiration of Nundulul's lease. And, instead of paying the rent he bargained to pay, he, too, fell 40,000*l.* or 50,000*l.* in arrear, in that very year in which the country was so oppressed.

His arrears in account.

In consequence of that complaint which I stated to your Lordships, Nundulul was called upon by the committee to give an answer. He attempts to answer some part of the complaint, but the principal and the best answer which he makes to the complaint is,—“I have seen Mr. Hastings and Mr. Anderson at Moorshedabad.” Upon reading the complaint and the answer, and well understanding the emphatical meaning of that phrase, the committee immediately give this extraordinary verdict upon the complaint which is before them: your Lordships will always understand that I do not charge the committee as being criminal with any of these acts, because I know they were what they represent themselves to be, tools in the hands of Gunga Govind Sing, and, therefore, it will be fair for me to state this as the opinion and verdict of Gunga Govind Sing upon his friend:—

Nundulul's answer to the complaint against him. Reference to Mr. Hastings.

“The Committee find that it is impossible to form a decision . . . * Judgment of the committee of revenue.

An assertion made and contradicted may be an occasion for a committee to inquire; but, surely, it is not quite a sufficient reason for a committee to acquit. They proceed to state,—“that it is probable that in most instances the offences are exaggerated,”—why it is most natural that the allegation was untrue or exaggerated I am totally at a loss to comprehend; but the committee choose to think it is probable that those allegations are exaggerated,—“and, admitting this, probably the complaints would be less

Acquittal of Nundulul.

* The papers relating to the inquiry into the affairs of the province of Rajeshaye are printed in the Appendix to the Eleventh Report from the Select Committee on the affairs of India; but the document referred to has not been found.

13 FEB. 1790. serious than they appear to be." Most unquestionably, it did not require either the wisdom of that committee or the wisdom of their master, Gunga Govind Sing, to discover that, if a complaint is exaggerated, it is exaggerated—which I take to be the purport and meaning of the words I have now read: that, most unquestionably, is a conclusion irresistibly true. "This complaint, which is stated to be asserted on one hand and denied upon the other, we believe to be exaggerated, and if exaggerated is unquestionably exaggerated." They go on then to give their verdict upon it,—“Under these circumstances the committee deem it more material to prevent these severities in future.”

It was the duty of the committee to enter into an examination of what passed; it was the duty of the committee to punish what was amiss. But I will show your Lordships the singular mode this committee took to prevent those severities in future; for it was just as singular and extraordinary as any part of what I have read to your Lordships. They do not write to condemn Nundulul; they do not write to desire him to be more cautious in future; they do not write to him,—“we have complaints against you;” but they write to him,—

“Agreed, therefore, that a perwannah be written to Nundulul not to oppress and injure.”

Now is that a fair, impartial, verdict upon the complaint stated? or is it not that they understood those words in his answer,—“I have seen Mr. Hastings and Mr. Anderson at Moorshedabad?”

Mr. Hastings influenced by money received from Nundulul.

I come now to explain what is meant by those words, and then your Lordships will not wonder at that extraordinary verdict. Mr. Hastings upon his way to Benares receives 58,000 rupees; Mr. Larkins tells us that sum was received from Nundulul. Then your Lordships have no difficulty to discover why the complaints were supposed to be exaggerated. Your Lordships have no difficulty to see the force of that strong mode of reasoning,—that, if complaints are exaggerated, they are unquestionably greater than they ought to be. Your Lordships will have no difficulty in seeing the force of that curious sort of reprimand which is given,—“we will protect you in all your rights, and defend you from every oppression.” He had given Mr. Hastings 58,000 rupees at Moorshedabad: the complaint vanishes, and you hear no more of anything against him, till, at the

piration of his lease, when he falls in balance to the company, Mr. Dallas is sent to see if his justice and humanity can remedy all the oppressions and mischiefs which were occasioned by that farmer. "I have seen Mr. Hastings and Mr. Anderson at Moorshedabad," is a complete answer to all the complaints of the rayats. But you find the country isolated and wasted; you find the rayats flying from one corner to another; you find it impoverished and ruined, and at last, Mr. Hastings having robbed Nundulul of all he could rob him of, he and his committee come back to that system again, and let that country again to the Rani, from whom they had taken it, at a decreased jama.

16 FEB. 1790.
The province taken from Nundulul and restored to the Rani.

Why is this jama decreased? Because the country is oppressed. Why is Rajeshaye again let at a decreased jama? Why is the jama of Behar, Dinagapore, Rungpore and dracpore, lowered? Because the countries have been oppressed by those to whom Mr. Hastings had sold them. And then, I shall be told that this was for the benefit and advantage of the Company!

The jama reduced because of the impoverishment of the country.

The next sum of money which I have to state to your Lordships, as having been received by Mr. Hastings, is certainly the most extraordinary that ever was presented by anybody; and it is still more extraordinary that Mr. Hastings is chosen to vindicate it. I shall state the transaction as shortly as I can; and it is very short indeed.

Case of the borrowing of three lacs from Nobkissin.

"In the year 1784,"—Mr. Hastings states boldly to the House of Commons,—"I was in want of a sum of money. The Company was in my debt, and it was not very convenient for them to pay it; but it was extremely convenient to me that my debt should be paid. However, not wishing to oppress my indulgent masters, I sent to a person whom I knew to be rich, because I had employed him in the service of the revenue, the name of Nobkissin; I told him I wanted to borrow of him three lacs of rupees; I desired him to bring a bond ready filled up."

Nobkissin brought his bond and the money; but, being greatly in arrear to the Company,—owing large sums of money to Mr. Hastings' masters,—having been entrusted with the collections of the great province of Burdwan by Mr. Hastings, — having misconducted himself and mismanaged those collections,—having been employed under the authority of Mr. Hastings—the authority of the Company—to receive his own debt, and having made use of that authority in order to contract a debt to the Company,—he begs of Mr. Hastings, for God's sake, to take this sum of money. Mr. Hastings takes it, but is doubtful for some time what account he should put it. At last, when he is about

Nobkissin in arrears to the Company.

Mr. Hastings' pretext for appro-

16 FEB. 1796. to leave Calcutta, Mr. Hastings finds out that, by some strange, unaccountable, mistake, he had forgot to charge 40,000*l.* to the Company, which the Company ought to pay him. Thinking, however, that it was the rakings of a ten years' contingent account, as he called it himself, and that, supposing the money to come out of the Company's pocket immediately, they would have great objection, but that they would have no objection to its coming out of the pockets of anybody else, he accordingly takes that money, and keeps it to himself to this very day. I assure your Lordships I do not exaggerate at all: I shall read Mr. Hastings' own account of it.

His own account of the transaction.

"The last part of the charge states that in my letter to the court of Directors [of the 21st of February, 1784, I have confessed to have received another sum of money, the amount of which is not declared; but which, from the application of it, could not be less than 34,000*l.* sterling. In the year 1783, when I was actually in want of a sum of money for my private expenses, owing to the Company not having at that time sufficient cash in their treasury to pay my salary, I borrowed three lacks of rupees of Rajah Nobkissen, an inhabitant of Calcutta, whom I desired to call upon me with] a bond properly filled up."

Your Lordships will see that the pretence for obtaining this money, first, is as a loan. Mr. Hastings thought it would be a good way of getting 30,000*l.* if he could persuade the man first to let it into his hands, and that the man should get no security for it.

"He did so; but, at the same time I was going to execute it, he entreated I would rather accept the money than execute the bond. I neither accepted the offer nor refused it; and my determination upon it remained suspended between the alternative of keeping the money as a loan to be repaid, and of taking it and applying it, as I had done other sums, to the Company's use. And there the matter rested till I undertook my journey to Lucknow, when I determined to accept the money for the Company's use; and these were my motives. Having made disbursements from my own cash for services which, though required to enable me to execute the duties of my station, I had hitherto omitted to enter into my public accounts, I resolved to reimburse myself] in a mode most suitable to the Company's affairs."

Reflections.

And the mode most suitable to the Company's affairs is that of robbing one of the inhabitants of Calcutta of 30,000*l.* I do not dispute that it is a mode extremely convenient to the Company; but whether it is a mode that deserves anything else than a name which I am sure I shall not give it now before your Lordships, and whether it is not a trans-

* Extract from Mr. Hastings' Defence at the bar of the House of Commons—Printed in the "Minutes of the Evidence," p. 1149.

tion highly deserving your Lordships' reprobation, I shall
ive to your Lordships to determine. It is impossible I
n state anything more upon that subject; the transaction is
fully, and I must say fairly, stated by Mr. Hastings. For
has unquestionably disguised nothing. He sent for the
n to borrow money: the man brought it: Mr. Hastings
k it and gave him no security for it: all that is true.
it I must state that, at the same time that this present was
de—at the time that this money was taken—for I am at
oss to know which to call it—at the same time, Nobkissin
s in considerable arrear to the Company, and the con-
quence is that the arrear has never been paid to this day.

16 FEB. 1790.

The next fact I have to state, is another act of misgovern-
nt through the medium of this committee of revenue, and
ich will be a strong proof of the misgovernment of this
nmittee. That will appear in the case of a sum of money
d to be taken—I do not know from whom, I suppose
m the Raja. All that I know about that transaction is,
it a lac and a half of rupees were taken from Nuddea;
it, in the years 1780 and 1781, a very strange request
nes to Mr. Hastings from this Raja, to desire that he would
so good as to send somebody to witness his will. Accord-
ly Mr. Hastings sends an English gentleman for form-
e, but he sends his own private munshi for substance.
e munshi arrives a day before the English gentleman; the
l is witnessed; and all that I know about it is this, that
sum of 15,000*l.* is paid, at the same time, to Mr. Hast-
s. Whether it was for that or what it was for I do not
ow; but this I know, that the money was paid to Mr. Hast-
s, by Mr. Hastings' own confession.

Case of one
and a half
lac taken
from the
province of
Nuddea.

The sum
paid by the
Raja to Mr.
Hastings'
munshi.

I shall also have occasion to state to your Lordships that
s province of Nuddea is precisely in the same situa-
n as every other province from which Mr. Hastings
k money. For in the year 1782, the Raja of Nuddea,
o paid that 15,000*l.* to Mr. Hastings, fell into monstrous
ears to the Company; he is turned out of his possession,
order of Mr. Hastings and his committee, by Gunga
vind Sing; he is put in prison and in irons in order to make
pay his balance to the Company, when Mr. Hastings had
re in his pocket, at that moment, than would have paid
t balance. So that, not only is your government degraded
| disgraced by your Governor taking money, but the man
o paid the money ought to have been commended if he

Impoverish-
ment of the
province.

The Raja
ejected and
imprisoned
for arrears
of rent.

16 FEB. 1790.

Criticis-
m of the
receipt of
the money.

had brought it forward as an aid, at the time that you were in distress. Instead of that, Mr. Hastings keeps the receipt a secret; and he and his committee put this unfortunate man, whom I state to your Lordships to be a brahman of the highest rank in Bengal—of the most ancient family in that country—a person who was looked up to by every man, who had any respect for either civil government or religious institution, in the country—they put this man into gaol for his arrears to the Company, while Mr. Hastings had in his pocket money which he had received from that person, more than sufficient to pay that balance.

Proof of cor-
ruption in
the govern-
ment.

Your Lordships will judge whether this act, done through the medium of his committee, and the other acts I have stated, be acts of good government; or whether your Lordships will not agree with me, that all that I have stated in the first parts of my speech were acts done for the purpose of facilitating the taking of corruption, and of concealing it when taken. If your Lordships should be of that opinion, you will not hesitate to condemn all these changes and innovations; you will not hesitate to agree with me that corruption instituted the committee of Gunga Govind Sing, went all along with, and finished that institution.

Of the sum of money which was iniquitously, cruelly and scandalously, taken from the Raja of Benares, and the sum of 100,000*l.*, which was equally wickedly extorted from Assoff-ud-Dowla, you have heard much. I shall state them, with some other concomitant circumstances, showing Mr. Hastings' different accounts of them. I think I have pretty nearly stated to your Lordships all that I have to say upon the subject of these presents. I have only to state one matter, which I think I had forgot, with respect to the province of Dinagore, namely, that there were some transactions in that province, prior to Deby Sing's lease, pretty nearly combined with the time when Mr. Hastings took the money. There was a dispute between the Raja and his brother with respect to half his zamindary. After the death of the Raja, there was another dispute. The brother claimed the zamindary against the adopted son. Whether Mr. Hastings, who acted as the judge in that cause and gave a verdict in it, took that money as the price of his judgment I cannot tell: the two transactions do go near hand in hand with one another. And I do now state it to your Lordships, because I know it is the principle of Mr. Hastings that it is a good mode to raise

Dispute re-
specting the
rajahship of
Dinagore.Money re-
ceived by
Mr. Hast-
ings.

money for the Company through the medium of a disputed succession; and, therefore, it is fair to suppose that what he has avowed in one case he has done in another. 16 FEB. 1790.

In 1774, there was a dispute with respect to the succession to the zamindary of Rajeshaye. The question before the Board was, whether an adopted son succeeded of right or not. I know that Mr. Hastings tells me himself,—"I encouraged the hopes of the person who was not the adopted son to the succession of that zamindary, because I hoped to obtain a re-establishment of the Company's interest through the medium of a disputed succession." He tells me, in 1774, that he thinks it a fit and proper thing for a Governor General of Bengal to sell justice: and, when I see him executing another act of justice, and find it agreeing in point of time with a sum of money taken, I do not strain the argument much in supposing that what he does in 1781 is a sale of justice, he having avowed a similar principle of distributing justice in 1774. I go a step further; because I know that, upon that occasion, Mr. Hastings falsely said that adoption did not convey a right of inheritance; I know that, upon that occasion, he misquoted the decision of the Board upon that subject. There is no such determination, that adoption without the consent of the governing power does not convey a right of inheritance. But, be it so or not, he thought it a good mode of increasing the Company's interest through the medium of a disputed succession. I can put no other construction upon these words than this,—that he thought it a good thing to sell justice. And I know that, in 1781, with respect to the succession of the Raja of Dinagepore, he did expressly declare that adoption did convey a right of inheritance; I know he did wrong in the first place and right in the latter. It is equally a crime to sell justice to do right as to do wrong. It does not differ as to crime, it differs only in degree. And I think it is fair to state that matter; to leave it to your Lordships to determine whether this, which afforded a pretence for the evils and mischiefs that followed, did not originate and begin in a sale of justice by the Governor General of Bengal.

Having now finished all that I have to say to your Lordships upon these points, it will only be necessary for me to state a very few of the letters of Mr. Hastings, with respect to these transactions.

Mr. Hastings has thought fit to tell your Lordships that he received these moneys for the Company's use; that he had

Disputed succession to the zamindary of Rajeshaye.

Mr. Hastings' policy of turning the dispute to the Company's benefit.

His assertion of the principle that adoption does not convey right of inheritance.

His subsequent assertion of the contrary principle.

Sale of justice.

Mr. Hastings' assertion that he

18 FEB. 1790.

received
these
moneys for
the Com-
pany's use.

Proof from
his letters
that he re-
ceived them
for his own
use.

a right to receive these moneys for the Company's use. He has told you that he never meant to apply them to his own use; and that it was a good mode of raising a revenue in the country.

My Lords, I mean to meet him upon every one of these propositions. In the first place, I explicitly deny that, in point of fact, Mr. Hastings received any one of these sums of money for the Company's use; and I shall prove to your Lordships, by the letters and conduct of Mr. Hastings himself, that he took every one of these sums of money for his own use. I will call himself—his letters—as evidence against his answer; and I am sure that, when I state those letters, your Lordships will agree with me that they carry the most convincing and the most irresistible conclusion to your Lordships' minds that he did not take one of these sums of money for the Company, but that he took them all for himself; and that, if he ever did carry any of them over to the Company's account, he did it when at the point of discovery; and whether he ever did so or no, I shall leave to your Lordships as matter of doubt.

The evi-
dence to be
founded on
Mr. Hast-
ings' own
account of
the transac-
tions.

It is necessary that I should state to your Lordships that the evidence which I mean to bring against Mr. Hastings is his own conduct, and his own accounts of the transactions; and I cannot bring a stronger or more conclusive or convincing evidence against any man than his conduct at the time, before the time and about the time, of any transaction. It is not to be expected that guilty men will come forward and boldly avow their guilt. Of all species of guilt, the guilt of corruption is that which hides its head. There are other sorts of guilt which are so strangely mixed with the great qualities of the human mind, so oddly compounded with the great talents that adorn mankind, that, sometimes, we look at those crimes with less horror than we ought to do, and are misled from the contemplation of their enormity by admiring the great talents which are necessary to their execution, and by contemplating those qualities, which are something nearly like virtues, which are necessary to carry them into effect. The crimes of a bold usurper, the crimes of a proud, ambitious, man, may sometimes hold up their head in broad day; these require talents to execute which all men admire; these require qualities, in order to carry them into effect, which approach, not very distantly, some virtue. But what talents does it require to be corrupt? What virtue does it nearly approach to receive money for corrupt

purposes? The weakest, the silliest, man may do it; the boldest man is ashamed to avow it. Therefore, my Lords, you are not to expect in this case, of all others, that you should find Mr. Hastings boldly coming forward and avowing that he took this money for his own use; but I shall prove it by his conduct, and by the different accounts of the transaction—by that which cannot lie; for human conduct, though it is the only, yet is certainly a very convincing, evidence with respect to human motive.

16 FEB. 1790.

We all extremely well know that a train of circumstantial evidence, well put together, is the strongest evidence that can be presented to the human mind. When the chain of circumstantial evidence is complete, it amounts to that which is nearest to mathematical demonstration. The mind cannot refuse its assent to the proposition which necessarily follows. When we see the whole train of circumstantial evidence complete, so connected with the idea of guilt and so perfectly incompatible and inconsistent with every possible idea of innocence, we do not hesitate to say,—“that man must be guilty!” In that case, my Lords, what do we do? From a train of circumstantial evidence which cannot be invented, from the conduct of the man before, about, at and after, the time, your Lordships, upon many occasions, without the least hesitation, presume a fact to exist.

Strength of circumstantial evidence.

Let me put the case, which has been already quoted by some of my friends near me, of Captain Donellan. There was no direct evidence there of the poisoning. The accounts given by Captain Donellan before, his accounts at and after the time, and all the letters he wrote upon that occasion, afforded to the human mind irresistible conclusion that he administered that poison: no man doubted; and the judge and the jury in that case rightly concluded that the fact of the poisoning existed. I have not occasion to desire your Lordships to do so much as to conclude a fact; but I am to desire your Lordships to attend to human conduct, as the only evidence of human motive. I am to state that Mr. Hastings intended to, and actually did, accept these sums of money for his own use. That is a matter which passed in his own breast; his conduct is the only circumstance which can explain it. And surely, if, as in the case of Donellan, a train of circumstantial evidence shall lead to the actually concluding a fact to exist of which we have no direct evidence, much more will that same conduct lead to an irresistible conclusion concerning the motives of the human

Case of Capt. Donellan.

16 Feb. 1780. mind ; for there is no other way by which human motive can be evinced than by the conduct of the person.

Letters of Mr. Hastings disavowing his bribes.
Letter of 29 Nov. 1780. I shall now state the letters of Mr. Hastings ; which he calls discoveries of his bribes, and which I call concealments. The first letter he wrote to the India Company upon that subject, he wrote at a critical time indeed,—upon the 29th of November, in the year 1780. Just about that time, an account had arrived at Bengal of the defeat of Colonel Baillie's detachment : and I must state another concomitant circumstance, which might have weighed pretty strongly in Mr. Hastings' mind,—that Mr. Francis was just upon the point of leaving Bengal. Mr. Hastings, some time before that, had made an offer to the India Company of two lacs of rupees, for a particular service : he had offered it as his own money ; he came forward, like a generous man, to assist the India Company in its difficulties. Having done so, and those events happening which I have stated, Mr. Hastings writes a letter to the court of Directors, and, under a pretence of disclosing that sum of money which he had so privately received, he actually uses that very letter to conceal a sum of money which he had received to a larger amount ; so that one part of the letter is a discovery of a bribe of 20,000*l.*, and the other a concealment of a bribe of 30,000*l.* ! He states that they would be surprised by an unusual offer which he had made, and adds,—

Mr. Francis on the point of leaving the country, offer by Mr. Hastings of two lacs for the Company's service.

His acknowledgement of a bribe of 20,000*l.*, and concealment of another of 30,000*l.*

“ My present reason for reverting to my own conduct, on the occasion which I have mentioned, is to obviate the false conclusions or purposed misrepresentations which may be made of it, either as an artifice of ostentation or as the effect of corrupt influence, by assuring you that the money, by whatever means it came into my hands, is not my own.”*

Unquestionably it was not ! He had received it in an improper way and ought to have given it back ; but, in this letter, he completely does away all the ostentation of that act, by saying that the money was not his own. What he means by saying it was not the effect of corrupt influence I do not know, because that he leaves precisely as he found it. He says it was a sum of money that came into his hands, that was not his but the Company's. It might have been just as much the effect of corrupt influence after the offer as it was before, for upon that branch of the subject he says nothing. But, be it as it may, he tells them he had received

* Extract of letter from Mr. Hastings to the Directors, dated 29th November 1780. Printed in the “*Minutes of the Evidence*,” p. 1103.

a sum of 20,000*l.*, and that sum he says is not his. Now ^{10 FEB. 1790.} mark the concealment; he goes on to state that—

“ Something of affinity to this anecdote may appear in the first aspect of another transaction, which I shall proceed to relate.”

It is no matter to me, for my present argument, whether that service was right or wrong, but I am willing he should take it, for the present argument, to be right—

“ [and of which it is now immediately my duty to inform you. You will have been advised by repeated addresses of this government of the arrival of an army at Cuttac, under the command of Chinnajee Boosla, the second son of Moodajee Boosla, the Raja of Berar. The origin and destination of this force have been largely explained and detailed in the correspondence of the government of Berar, and in various parts of our consultations. The minute relation of these would exceed the bounds of a letter: I shall therefore confine myself to the principal fact. About the middle of the last year a plan of confederacy was formed by the Nabob Nizam Ally Cawn, by which it was proposed that while the army of the Marattas, under the command of Mahdajee Sindia and Tuckoojee Hoolkar, was employed to check the operations of General Goddard in the west of India, Hyder Ally Cawn should invade the Carnatic, Moodajee Boosla the provinces of Bengal, and he himself the Sircars of Rajamundry and Chicacole. The government of Berar was required to accept the part assigned it in this combination, and to march a large body of troops immediately into Bengal. To enforce the request on the part of the ruling member of the Maratta state, menaces of instant hostility by the combined forces were added by Mahdajee Sindia, Tuckoojee Hoolka, and Nizam Ally Cawn, in letters written by them to Moodajee Boosla on the occasion. He was not in a state to sustain the brunt of so formidable a league, and ostensibly yielded; such at least was the turn which he gave to his acquiescence, in his letters to me; and his subsequent conduct has justified his professions. I was early and progressively acquainted by him with the requisition, and with the measures which were intended to be taken, and which were taken by him upon it. The army professedly destined for Bengal marched on the Dussera of the last year, corresponding with the 7th of October. Instead of taking the direct course to Bahar, which had been prescribed, it proceeded, by various deviations and studied delays, to Cuttac, where it arrived late in May last, having performed a practicable journey of three months in seven, and concluded it at the instant of the commencement of the rains, which of course would preclude its operations, and afford the government of Berar a further interval of five months to provide for the part which it would then be compelled to chuse. In the meantime letters were continually written by the Rajah and his minister to this government, explanatory of their situation and motives, proposing their mediation and guarantee for a peace and alliance with the Peshwa, and professing, without solicitation on our part, the most friendly disposition towards us, and the most determined resolution to maintain it. Conformably to these assurances, and the acceptance of a proposal made by Moodajee Boosla, to depute his minister to Bengal for the purpose of negotiating and concluding the proposed treaty of peace, applications had been made to the Peshwa for credentials to the same effect. In the meantime the fatal news arrived of the defeat of your army at Conjeveram. It now

16 FEB. 1790. — became necessary that every other object should give place, or be made subservient to the preservation of the Carnatic; nor would the measures requisite for that end admit an instant of delay. Peace with the Marattas was the first object. To conciliate their alliance, and that of every other power in natural enmity with Hyder Ally, the next. Instant measures were taken, as our general advices will inform you, to secure both these points, and to employ the government of Berar as the channel and instrument of accomplishing them. Its army still lay on our borders, and in distress for a long arrears of pay, not less occasioned by the want of pecuniary funds than a stoppage of communication. An application had been made to us for a supply of money, and the sum specified for the complete relief of the army was sixteen lacs. We had neither money to spare, nor, in the apparent state of that government in its relation to ours, would it have been either prudent or consistent with our public credit to have afforded it. It was nevertheless my decided opinion that some aid should be given, not less as a necessary relief than as an indication of confidence, and a return for the many instances of substantial kindness which we had, within the course of the last two years, experienced from the government of Berar. I had an assurance that such a proposal would receive the acquiescence of the Board; but I knew that it would not pass without opposition, and it would have become public, which might have defeated its purpose. Convinced of the necessity of the expedient, and assured of the sincerity of the government of Berar, from evidences of stronger proof to me than I could make them appear to the other members of the Board, I resolved to adopt it, and take the entire responsibility of it upon myself. In this mode a less considerable sum would suffice. I accordingly caused three lacs of rupees to be delivered to the minister of the Rajah of Berar, resident in Calcutta. He has transmitted it to Cuttack. Two thirds of this sum I have raised by own credit, and shall charge it in my official accounts. The other third I have supplied from the cash in my hands belonging to the Honourable Company.”

Falschhood in his account of the receipt of the 30,000*l*.

Now I state boldly that there is not one word of truth in all that letter—not one! He states that something of affinity will be found in the first aspect of another transaction. He proceeds to do away that affinity; and the affinity, if any, consists in this,—that he had paid to the Company a sum of 30,000*l*. The affinity he does away by stating that two thirds of it were not his own, but he had borrowed them from others, and the other third he had taken from the Company's cash in his hands.

Now I state to your Lordships,—and I state it from the evidence of Mr. Hastings, himself,—that so far from there being an affinity only in the first aspect of the transaction, the affinity was close and complete; that, so far from Mr. Hastings having done what he ought to do, in doing away that affinity, the affinity follows him throughout; that it is the same transaction in all its parts: it is a bribe

taken which never belonged to Mr. Hastings or the Company. It is, I believe, the sum of money taken from Dinagopore, but I am not sure; at all events it was a sum of money taken. He states that two thirds he had borrowed from his friends, and the other third belonged to the Company,—cash he had in his hand. Not one word of that is true! Your Lordships observe this is in the month of November. In the month of January, Mr. Hastings comes forward to the Board at Calcutta and tells them that he has expended a sum of 30,000*l.*, or three lacs of rupees, and desires to have bonds for the whole; so that, so far from any of that money belonging to the Company, he upon the first of January takes bonds for the whole sum. In November, he had stated that one third of the money belonged to the Company; for that third he takes a bond to himself, and completely contradicts the account given in this letter.

16 FEB. 1700.
Conjectured to be the money taken from Dinagopore.
Contradictions in his statements.

The next account of that transaction that we have, is in a letter of the 22d of May in the year 1782.* That letter, which is the third account of the transaction, completely falsifies both the others,—and it is Mr. Hastings' account, too. [The account accompanying] that letter states,—

Letter of 22 May 1792.

“The following sums were paid into the treasury and bonds given for them in the name of the Governor General, [in whose possession the bonds remain, with a declaration upon each, indorsed and signed by him, that he has no claim on the Company for the amount.] either of principal or interest.”

Then follows an account of the two bonds, which he said originally was money that he had borrowed from other people for the use of the Company; so that this account, so far as it goes, falsifies the other parts of the account. The two thirds which he said had belonged to himself now you find belonged to the Company, and the other third which he stated belonged to the Company he takes a bond for to himself. But that is not all: the third bond vanishes entirely and never appears again in any transaction of Mr. Hastings, but is at last brought into light by the letter of Mr. Larkins. Mr. Larkins says, in the year 1786, forgetting all the different accounts Mr. Hastings had given of it,—that, in 1780, he had called two thirds his own and one third the Company's, in 1782, two thirds the Company's and one third his own,—forgetting all that, Mr. Larkins comes forward and says that that bond was converted into a bill upon

Account of the two bonds for money borrowed for the use of the Company.

His silence with regard to the third bond.

Mr. Larkins' account of it in 1790.

The third bond converted into

16 FEB. 1799. England and remitted in the terms of a particular loan. I shall produce that very bill into which that very bond was converted; and that one third, which he stated was cash of the Company's in his hands, I will show you was, in January, converted into a bond; I will show that bond was converted into a bill: I will show that bill itself, paid to the attorneys of Mr. Hastings in England. Then shall I be deemed too bold when I tell your Lordships there is not a word of truth in that first letter I read to your Lordships?

Indorses
most of the
two bonds
as belonging
to the Com-
pany.

But this is not all; for, upon the 22d May, Mr. Hastings signs an account stating that the two bonds, there mentioned to be in his possession, had then upon them an indorsement declaring that they did not belong to Mr. Hastings, but to the Company. Mr. Hastings signs it and seals it: Mr. Larkins goes a step further and swears it! Mr. Hastings told the House of Commons, in his Defence, that, being about to go upon a service of great personal danger, in the year 1781, he had indorsed those bonds over to the Company, because he might unfortunately fall in that service of danger; and it would be a hard thing for the Company if, for want of those indorsements, the bonds should be demanded by his executors. Why he took bonds for the Company's money, why he concealed that it was the Company's money, I shall leave to your Lordships to determine. But, in 1785, he gives a sentimental reason why he had indorsed those bonds in 1781. In his letter from Cheltenham to the court of Directors, he states precisely the same thing,—that, in 1781, he had indorsed those bonds over to the Company, and gives precisely the same reason for it which he gave to the House of Commons. All these about the indorsement,—Mr. Hastings' letter in 1782,—Mr. Larkins' swearing,—Mr. Hastings' letter from Cheltenham,—Mr. Hastings' Defence in the House of Commons,—are not, one word of them, more true than the letter of the 29th of November. I shall produce the bonds themselves, by which I shall show to your Lordships that, so far from being indorsed by Mr. Hastings at the time he states and for the reason he assigns,—so far is it from being true that they were indorsed at the time Mr. Larkins swears,—they were not indorsed for several days afterwards. I will show the indorsement in Mr. Hastings' own hand, contradicting every one of the accounts Mr. Hastings has given of it. Then shall I be told that Mr. Hastings intended these bribes for the Company?—that he took them as security for

Statement
respecting
it untrue.

article of revenue,—that he took bonds for them, and stories about them? Will he tell me that, in the single-^{16 FEB. 1790.} of his heart, he has invented a system of fiction,—that, s integrity, he has entangled himself in a maze of false- which no man can extricate him from,—and then, st, is reduced to say this,—“Really, upon my word, I ot tell you why I did it at all?” He says,—

‘ou know very well, Sir, that they could not be received without passed to some credit, and this could only be done [by entering it an or as a deposit. The first was the least liable to reflection, and ore I had obviously recourse to it. Why the second sum was led as a deposit I am utterly ignorant. Possibly it was done ut any special direction from me, possibly because it was the est mode of entry, and therefore preferred, as the transaction itself ot require concealment, having been already avowed. Although I mly persuaded that these were my sentiments on the occasion,] yet not affirm they were.” *

hy it was necessary that this transaction should not be r stated,—why it was necessary that it should be passed Dishonest motives for concealing the transaction. e credit of a loan,—why it was necessary that it should ated as a deposit,—why it was necessary that all that l, falsehood and fiction, should attend the transaction, am at a loss to comprehend, otherwise than this, Mr. Hastings meant to take it for himself. If he had neant to take it for himself, what was so natural and as to send it to the common office, to be entered as a pt of revenue, with the name of the person who paid it, the cause why it was paid? But he says—“It was isary it should be passed to some credit; I, therefore, : it should be passed to my credit.” Why to his credit, is he intended to conceal those receipts from the public for ever? He tells you he intended they should be ealed from the public eye for ever. He says in one His intention of concealing the receipt of the money. —“I intended always that this money should be ed to the Company; I took bonds for it; and, yet, I ded it should be concealed from the public eye for ” It must have been discovered to the public eye some or other, for whenever he had given up these bonds to ompany then this ostentation must be great, and then es not accomplish that which he said he intended to nplish, namely, the concealment of it for ever.

extract from Mr. Hastings' letter to the Chairman of the court of Directors, dated Cheltenham, 11th July, 1785.—Printed in the “Minutes of the Court,” p. 1152.

16 FEB. 1796.

This is the conduct of no man in the world but a man who intends to conceal—who does intend to take the money for his own use. He never discovers, when called upon by his masters, whom he got it from; he keeps everything in secrecy and mystery. He never discovers it but in the moment of distress, and then he desires you to conclude that he intended all this money for the Company's use.

"As to the manner in which these sums have been expended [the reference which I have made of it in the accompanying account to the several accounts to which they are credited, renders any other specification of it unnecessary; besides that those accounts either have or will have received a much stronger authentication] than any that I could give to mine."

He means by that Mr. Larkins' *Affidavit* :—

"Why these sums were taken by me [why they were, except the second, quietly transferred to the Company's use, why bonds were taken for the first, and not for the rest, might, were this matter to be exposed to the view of the public, furnish a variety of conjectures to which it would be of little use to reply."*

If Mr. Hastings meant to guard against the imputation of having taken that money to his own use, he would have pursued a different conduct: but, if he intended to take it for his own use, he would have pursued precisely the conduct he has done. Will you believe a man when he comes and tells you,—"I have contradicted myself five times: Mr. Larkins has contradicted both himself and me three times: I have concealed everything, and yet I have told you I have disclosed everything: I have evaded everything that could throw light upon the business; and now, when you ask me for my reasons, I cannot tell my reasons: possibly, these might be my reasons—possibly, some others. I do not know what they were; but I desire that you will believe me, who have been guilty of all this system of fraud and artifice, that I did not intend that which it is plain and manifest I did intend; but that you will believe I did intend that which all my conduct gives a total and complete lie to?" He says,—

"Were your honourable court to question me upon these points, [I would answer, that the sums were taken for the Company's benefit, at times in which the Company very much needed them; that I either chose to conceal the first receipts from public curiosity, by receiving bonds for the amount, or possibly acted without any studied design which my memory could at this distance of time verify; and that I did not think it worth my care] to observe the same means with the rest."

* Letter of Mr. Hastings to the court of Directors, dated 22d May, 1791—Printed in the "Minutes of the Evidence," p. 1114.

† Extract from the letter of the 22nd May.—Printed as above.

Now, you are to suppose that Mr. Hastings, who tells you he has acted without any studied design, involves himself in a conduct the most intricate, the most artifice, the most fictitious, that any man in the world ever did; and that this is the way that Mr. Hastings acts, as he tells you, when he acts without any design—that when he acts without any design his conduct is double, that when he acts without any design his conduct is intricate, that when he acts without any design his conduct is dark; but when he acts with design,—and I wish he would tell us when he does not act with design,—all is clear and explicit. He tells you, possibly these were his motives—whether they were or not he does not know—and that they may have escaped his memory. That letter of the 29th of November, as I stated when I set out, was so far from a letter of discovery that it was a letter of concealment.

16 FEB. 1790.

His profession of having acted without design.

Now I come to another sum of money,—I mean that sum that was received from the Nawab of Oude. That was a sum of 100,000*l.*,—and in a very few words, I trust, I shall satisfy your Lordships that Mr. Hastings did intend, as long as he could, to keep that money to his own use. Unquestionably, he made a discovery of that sum, but, unquestionably, he had a good reason for that discovery, as he tells you himself. In his letter from Cheltenham he tells the court of Directors, that, when fortune threw in his way a sum of a magnitude too great to be concealed, he thought it was best to discover it. So long as the sums were of so small an amount that they could be concealed, he thought it a convenient way to take bonds for them and keep them himself; but it was necessary that he should go another way to work when they were of a magnitude too great to be concealed. Accordingly, in January 1782, he writes this letter to the court of Directors:—

Case of the 100,000*l.* received from the Nawab of Oude.

His intention of keeping it to his own use.

“ Hon. Sirs,—While the Vizier was at Chunar, an offer of a considerable sum of money was made me on the part of the Nabob and his ministers [as a present. I accepted it without hesitation and gladly, being entirely destitute both of means and credit, whether for your service, or the relief of my own necessities. This donation was not made in specie, but in bills, which have been in part only and tardily realized, being drawn on the house of Gopaul Doss, who was at the time a prisoner in the hands of Cheet Sing. The remainder is in the course of payment, and I make no doubt of its being paid. What I have received has been laid out in the public service. The rest shall be applied to the same account. The nominal sum is ten lacks of rupees of the currency

10 FEB. 1780. of Oude. As soon as the whole is completed I will transmit to you a faithful account of it."*)

And then he goes on and begs the Company to give him that sum to himself.

His admission that the sum was too great to be concealed.

His statement that the money was held in bills on Gopal Doss.

Your Lordships are to take along with you that it was a sum of a magnitude too great to be concealed;—Mr. Hastings has said so himself;—and the best way of getting a sum to one's self, which is of a magnitude too great to be concealed, is to ask it under an appearance of poverty, and to state the sum to be precarious in its receipt. Accordingly, your Lordships will see that this account tells the Directors, loosely, that it was in bills drawn upon the house of Gopal Doss, who was a prisoner in the hands of Cheyt Sing; that it was in part and only tardily realised. The idea which he means to convey to his masters, and the idea that he conveys to the mind of your Lordships when you read it, is this,—that it was a sum for which he had a security in his hand, but a security of a precarious nature; and, we all know, mankind more easily part with that which is precarious in its realisation than that which is actually cash in their hands.

The bills already cashed when he wrote.

Now, what is the fact as to this? At the time when he wrote this letter of the 20th of January from Patna, Mr. Hastings had received 90,000*l.* of that money and had it in his pocket; at the time when he states that it was in part only and tardily realised—at the time when he holds out to them that it was a chance whether it was recoverable—he had 96,000*l.* out of the 100,000*l.* in his pocket. Would it not have been more fair, simple, plain, to have said,—“It is true I have received these bills. I thought they might be badish bills at first, but they have turned out extremely good. We cannot lose much—we have 96,000*l.* out of the 100,000*l.*?” That would have been the fair way of stating it; but then the Company might not have been so ready to listen to his plea of poverty, and to give it him.

Original delay in reporting the receipt of the present.

Having stated that, let me put your Lordships in mind, also, of the date of this letter. The sum of money, your Lordships know, was received in the month of September, when the Wazir was at Chunar; from the month of Sep-

* Letter to the Court of Directors, dated 20th January 1782.—Printed above, p. 1112.

er to the 20th of January, he keeps it a dead secret 16 FEB. 1790.
all his colleagues. This letter did not leave Bengal
he 1st of March. It is five months before he first con-
nds to tell his masters anything of the transaction; for,
gh the letter bears date upon the 20th of January, yet,
did not leave Calcutta till the 1st of March, the first
nt the Directors have of it is an account that may fairly
ated to be dated upon the 1st of March. But that is
all; your Lordships are to look at the singular date of
letters, and make it coincide with some formidable cir-
stances that occurred at the same time. When was the
a taken? Upon the 14th of January. When were the
of treasures in the possession of Mr. Middleton and the
ab? Upon the 14th of January. Had Mr. Hastings
nunicated to the court of Directors, that, at a time
the Wazir was thirty lacs of rupees in debt to them,
ad made an offer to him of 100,000l.? Mr. Hastings
r they would have spurned at it; that they would
told him,—“How can you have the audacity to take
000l. from a man who you know is 200,000l. or 300,000l.
bt to us? Carry it to the account of our debt.” He
and conceals the transaction till, by his fraud and
nce, the Nawab's debt was paid with the plunder of the
ms: then he thinks it possible, that, in the moment of
ng their own debt paid, they may consent that he should
a share in their plunder. Therefore, seven days after
g the Kella, Mr. Hastings communicates, for the first
a transaction which happened five months before. I
then I state fairly, when I state that Mr. Hastings'
ealment of that sum and of the mode of receipt afford
r inference that he intended to take that money for his
usc.

it that is not all the observation that arises upon that
c. I shall desire your Lordships to refer yourselves to
Benares Narrative. You will there see an ostentatious
le of every little aid Mr. Hastings received while at
nar. Your Lordships will see terms of the highest
gyric [lavished] upon a man who lent him a lac of
es: he pours forth as much praise as he possibly could
so bountiful and beneficent a citizen. Upon another
lent him 40,000 rupees, he is equally lavish of his
gyric; he feels it as a strong impression of gratitude:
in the whole course of that Benares Narrative, he reverts
e praise of these men who had furnished him with those

Parade of
gratitude for
aid received
at Chinur,
in the Be-
nares Narra-
tive.

64,000 rupees of the time, has received from the Wazir.

little aids, while at Chunar and Benares. I am to state that at the time he wrote that Benares Narrative, he had actually received three lacs of rupees—had received it in cash; and, yet, not one word of the Wazir's name occurs in it. Will you believe that, if he had intended to do the same thing with one sum of money as with the other, he would not have been equally lavish in his praise of the Wazir as he was of the others? It is an inference I defy the human mind to repel, that he did intend to employ this money to his own use, since he so industriously concealed it from everybody; and when he wrote this letter of the 20th of January, he never disclosed one word to his colleagues about the transaction.

Letter relating to the transaction with Nobkissin.

Represents the sum received as a loan of the East India Company.

Mr. Larkins' letter in explanation.

It furnishes only a partial account.

Having stated this to your Lordships, the only other letter which I have to state is that letter which gives an account of the transaction with Nobkissin. With respect to that transaction he, fairly, in a careless way, tells them,—“I have received a sum of money. You owe me a sum of money on some account or other”—and he gives them a long bound roll of *items*. “You will have no objection to pay it, provided I can get it from somebody and take it to myself.” That is all the account he gives of the transaction. From that time to this, no more account of any sort or kind is to be got of this transaction with respect to Mr. Hastings, till the year 1786, when there appears a letter from Mr. Larkins, which is certainly a most singular production. Mr. Larkins in that letter has to account,—first, why a letter of the 22d of May did not leave Calcutta till the 16th of December: and next, he is to explain Mr. Hastings' account of the 22d of May. For your Lordships will observe that, in the account of the 22d of May, there appears to be a gross sum of 19 lacs, 64,000 rupees, received by Mr. Hastings. The *items* of the account contain nothing more than the times in which, he says, he paid them over to the Company: it says nothing of the times of receipt or of the persons by whom paid;—all that he refers for explanation to Mr. Larkins.

I shall produce Mr. Larkins' letter, and shall only observe upon that letter that he has not given a complete account: but, as he states himself, he has only given part of the account. He has not stated the whole account of sums received for Mr. Hastings, but only an account of those sums which Mr. Hastings states in his letter of the 22d of May; whether there were more or fewer he does not tell, but

confines himself specifically to that letter. Next, Mr. Lar-^{10 FEB. 1790.} kins was not in possession of that account. Mr. Larkins tells you that one account was kept by Cantoo Baboo, the other account was kept by Mr. Hastings' private munshi or Persian interpreter. Then Mr. Larkins only gives you such parts of the account as Cantoo Baboo chose to read to him, and no more. There might be fifty pages of it. All we can say is, that it is a piece of the account which Mr. Larkins endeavours to explain and connect with the account given by Mr. Hastings in 1782. But the first thing he does is to disclaim *affidavit* making,—he having been a little severely handled with respect to the *affidavit* I have stated,—and he declares he will never again, voluntarily, do such an act. However, I shall have occasion, in the course of this business, to produce another voluntary *affidavit*, and of Mr. Larkins, contradicting his voluntary *affidavit* of 1782. But he is to explain why this letter of the 22nd of May never left Calcutta till long after the Parliamentary inquiry against Mr. Hastings was known. It seems an odd time of its coming, but it is necessary it should be accounted for in some way. He accounts for it this way:—

His explanation of the delay in despatching Mr. Hastings' letter of the 22d of May.

["The particulars of the paper No. 1. were read over to me from a Bengal paper by his banyan, Cantoo Baboo; and, if I am not mistaken, the three first lines of that No. 2. were read over to me from a Persian paper by his moonsly. The translation of these particulars made by me was, as I verily believe, the first complete memorandum that he ever possessed of them in the English language."]*

Then he goes on to say that he would not carry this to the secretary, because he had known letters lost that were given to the secretary,—“Upon the 21st August I fell ill: I sent it to Mr. Auriol; he would not take charge of it. I was unable to write: I sent the letter by my servant to Mr. Geo. Nevill Thompson, Mr. Hastings' private secretary.” Now Mr. Auriol might have an objection, and say he would not send a letter in the packet which bore the appearance of a private letter of Mr. Larkins; but, when Mr. Larkins knew that the person who made it up would refuse it on that account, why did he not say to Mr. Auriol—“It is not a letter of mine but of Mr. Hastings; do you put it in the packet?” All we know of this letter is this, that it lies in the hands of George Nesbitt Thompson. Why it is kept in his hands—how it goes out of his hands—what message

* Letter from Mr. Larkins to the Chairman of the court of Directors, dated 5th August, 1786. Printed in the “Minutes of the Evidence,” p. 1153.

16 FEB. 1790, was sent with it—we do not know. Mr. Larkins, in endeavouring to explain why this account never came till the 16th of December, never tells us one word more than that the letter got into the hands of Mr. George Nesbitt Thompson, and there it lay.

Further explanations of the delay. Then he proceeds to tell us, which is true, that there was a ship which put back between the 22nd of May and the sending the letters by the packet. He might have sent it by that, but he says,—

“ You will find that there was no letter from the Board, or from either of the secretaries, of a later date than the 9th of May, and therefore the packet was made up that day.”

It would have been indecent in Mr. Larkins, I suppose, to have sent a letter after the packet was made up, notwithstanding the vessel remained there till the 13th day of June. He never thought of sending it, though it was so necessary for the credit of Mr. Hastings. But it is not true, in point of fact, that there was no letter of a later date than the 9th of May, for there was one of the 13th of May; and it is an incontestible fact that that vessel was there till the 13th of June. He goes on to give a good reason for this, that she was badly manned and not likely to make a short passage. And, therefore, this ship, which was sufficient to carry the Company's cargo,—which was a ship sufficient to carry all the acts relative to the department of the state,—is not sufficient to carry this important letter of the discovery of Mr. Hastings' bribe; and, therefore, it is kept concealed from the court of Directors till the 16th of January 1782. And, therefore, I have a right to take it,—till Mr. Larkins satisfies me more upon the subject,—that that letter was not intended to be sent till it actually was sent.

Mr. Larkins' account of the sums received.

But, be that as it may, he goes on and states to your Lordships an account which has these titles,—Dinagapore—Patna—Nuddea. He endeavours to apply all these sums, so taken, to the sums, more or less, in Mr. Hastings' account. I shall not trouble your Lordships with going minutely into those accounts till they come before you; but, when those accounts are produced to your Lordships, I shall take the liberty of showing you, from the face of the accounts themselves, that I have considerable reason to believe that there is not one sum in one account that has the least connection with or relation to a sum in the other account. Be that as it may, this account opens another field to your Lordships; for we find upon this account that, so far from it being true

that the Company was in difficulty when some of the sums were taken, they were taken when the Company was in prosperity; and, as to some of those sums that were taken when the Company was in distress, you will find that they lay for near two years in the hands of Gunga Govind Sing. At the time when the Company was in great distress, when the Company was in want of everything, the money was lying in the hands of Gunga Govind Sing, and was only paid over when he chose to pay it over.

16 FEB. 1790.
The Com-
pany not in
difficulty
when the
sums were
taken.

But that is not all, for there is a sum of money lying, for what I know not, in the hands of Gunga Govind Sing, or of Mr. Hastings, which is the same thing; for Gunga Govind Sing and Mr. Hastings, with respect to these transactions, are one. Gunga Govind Sing was his agent: what is received by his agent is received by himself: and there is a sum of 12,000*l.*, by the confession of this agent, which is still in the hands of Gunga Govind Sing; and a sum of three lacs of rupees, between 40,000*l.* and 50,000*l.*, not at all accounted for in any one respect, stated in this account to be received by Mr. Hastings and Gunga Govind Sing. It may be in the hands of Gunga Govind Sing, it may be in the pocket of Mr. Hastings; whether in the hand of the one or in the pocket of the other, is of no consequence to me: I charge it upon Mr. Hastings as a receipt the moment it is paid to Gunga Govind Sing.

Other sums,
not at all
accounted
for, remain-
ing in Gunga
Govind
Sing's
hands.

And this account shows, also, the uses and purposes for which this committee of revenue was appointed; why Gunga Govind Sing was set over them, and they made tools in Mr. Hastings' hands to plunder those provinces. Dinagepore ruined; Patna ruined; Nuddea, as I have stated, ruined. Rajeshaye was ruined, which is also another province contained in this account. Every one of them provinces from which Mr. Hastings received money.

Ruin of the
provinces
from which
Mr. Hast-
ings received
money.

There is another thing which I have to state to your Lordships upon this account:—and that is pretty nearly all that I have to say to you. Mr. Larkins is extremely struck that it should appear upon this account that a sum of 12,000*l.* was actually in the hands of Gunga Govind Sing, and a sum of three lacs of rupees not accounted for at all—securities taken for it, but the money not accounted for—and Mr. Larkins tells you that,—

Attempted
explanation
by Mr. Lar-
kins of sums
remaining
unaccounted
for in Gunga
Govind
Sing's
hands.

“Although Mr. Hastings was extremely dissatisfied with the excuses Gunga Govind Sing made for not paying [Mr. Croftes the sum stated by the Paper No. 1. to be in his charge, he never could obtain from him any] further payments on that account.”

16 FEB. 1790.

Presence of
Mr. Hastings' anger
at the
retention of
the money.

His panegyric on
Gunga Govind Sing,
when leaving
India.

He was in
the power of
Gunga Govind Sing.

Will your Lordships believe that Gunga Govind Sing could have 40,000*l.* of the Company's money in his hands; that Mr. Hastings should be willing to take that 40,000*l.* from him: that he should be extremely angry for his not paying it; and that, in spite of all he could do, he never could make him pay it? The thing is incredible of itself: it cannot be, it is not, true: and I state why it is not true, because Mr. Hastings, so far from being dissatisfied with Gunga Govind Sing, poured out all the treasures of the Company upon him before he left Bengal. The last act of his administration was a most lavish panegyric on that man: the last act of his administration was a most wanton profusion of treasure to reward that man. Will you believe that, at that time, that man owed the Company 50,000*l.*, which Mr. Hastings corruptly concealed? Why did not Mr. Hastings deliver over Gunga Govind Sing as a public defaulter to Sir John Macpherson? Mr. Hastings left the government and Sir John Macpherson in perfect ignorance of the debt. Did he leave Gunga Govind Sing in disgrace as a defaulter? He left him with a public panegyric for his abilities: he left him with a public reward for his fidelity: and at that very time that man, so far from deserving well of the Company, was actually keeping 50,000*l.* from them, and, for ought I know, is keeping it from them at this very moment. Mr. Hastings says:—"I cannot leave the country without rewarding my servants. Gunga Govind Sing has stuck by me in all my perils: he has been faithful when my countrymen were faithless. They looked to the English Government; they looked to those in whom the Parliament of this country have put power and authority. He never cast his eyes off the person of the Governor: he looked to me, and me alone, through all my difficulties. I owe him a great reward: justice, gratitude, and even policy demand it." These are his words. Policy, indeed, did demand it, but it was the policy of concealment; he was in the power of Gunga Govind Sing, and he rewarded him in order to conceal it. Why did he not, else, deliver over Gunga Govind Sing as a public defaulter? He kept Sir John Macpherson and the succeeding Council in ignorance. This is the man whom he thinks it is wise, prudent and political, to reward: this is the man whom Mr. Larkins would have you conceive that Mr. Hastings was angry with. The only spark of Mr. Hastings' anger, that I can find, is a public panegyric and a public reward!

I shall now conclude what I have to say with merely reminding your Lordships that I have stated the original orders of the Company with respect to the letting of the lands; that I have stated the orders of the Company and the opinions of Mr. Hastings with respect to all the various duties in that department; that I have shown to your Lordships all those duties transgressed, all those orders disobeyed, a new government established, inefficient to all good purposes and efficient to all bad ones; and I have stated to your Lordships a country ruined and oppressed under his mismanagement; and further, that in that country, so ruined and so oppressed under his mismanagement, in every part where you find oppression, knavery and fraud, you find that Mr. Hastings took a sum of money. Connect all these together, either as aggravations of the original offence or as specific charges of themselves, and I defy Mr. Hastings to be acquitted of them.

16 FEB. 1790.
Recapitulation.

Your Lordships have been told that the country of Bengal is flourishing. It may be under the good government of one of your Lordships; but much did Mr. Hastings leave for one of your Lordships to execute: a severe task he imposed upon him, after all the oppressions, after all the ravages, after all the ruin, occasioned by those corrupt acts. He was sent to govern a discontented people, a ruined country, an oppressed nation: I believe most cordially that he has governed it honestly and that he is governing it well: I have every reason to believe that he is acting in every respect the contrary to what Mr. Hastings did; but I know he has described himself to be in an arduous and difficult situation indeed; for, in one of his letters to the court of Directors and the Company, he tells them,—

Representation of the state of Bengal by Lord Cornwallis.

“I shall unquestionably do my utmost endeavour to execute your wise and beneficent intentions. But I have a difficult task, for in what situation do I find the country! No doubt it will be happy for the country of Bengal—if”—what?—“if the principal landholders and traders of that country should be again restored to a situation in which they may be able to live with decency, and to maintain their families with respect.”*

* The letter of Lord Cornwallis here quoted from is dated on the 2nd of August, 1789, and was printed for the House of Commons in the month of March, 1790. The following are the passages referred to:—

“The humane and liberal sentiments which dictated the instructions upon which the present plan is founded, will prompt you to receive the highest gratification, if my hopes of its producing wealth and happiness to the intelligent and industrious part of the individuals of this country shall be realised.

16 FEB. 1796.

The impoverishment of the country attributable to Mr. Hastings.

Who imposed that severe task upon that noble Lord? Who left him to restore the principal landholders of the country to a state of decency? Mr. Hastings did all these acts. Mr. Hastings pulled down that fabric, and left it to the ability, honour and integrity, of that noble Lord to rebuild. But it is a lamentable thing, that a country which has been under our government so long should be reduced to such a state, that the utmost that one of the ablest and most intelligent of your Lordships could hope to do is to restore the principal landholders and traders of that country to a "situation in which they may be able to live with decency and to maintain their families with respect." What does he state further;—"I find an opulent country?"—No!—"a flourishing country?"—No!—"I find a country ruined and oppressed; I find every principal zamindar,"—I use his own words,—"*I find every body, except the sarrafs and banyas, advancing hastily to a state of poverty and wretchedness.*" Why are the banyas and the sarrafs the only persons who are not "*advancing hastily to a state of poverty and wretchedness?*" All the protected people of Mr. Hastings are banyas, usurers and tax-gatherers; they are the only rich men in that country; to such a situation has Mr. Hastings reduced it!

State of Benares.

With respect to Benares he states, what, in another part, will come more properly and fully before your Lordships—that, from the event of the expulsion of Cheyt Sing, it has been in an uniform state of decline in manufacture, agriculture and commerce.

Corruption the cause of oppression.

These are all the acts of Mr. Hastings; and I charge home upon him the principle which produced all those innovations and all that destruction. It originated in corruption: for corruption the provinces were sold; by corruption the provinces were oppressed. Yet, we have heard,

Justification of Mr. Hastings by pre-

And, independent of all other considerations, I can assure you it will be of the utmost importance for promoting the solid interests of the Company, that the principal landholders and traders in the interior parts of the country should be restored to such circumstances as to enable them to support their families with decency, and to maintain their families with respect."

"I am sorry to be obliged to say that agriculture and internal commerce has for many years been gradually declining, and that at present, excepting the class of shroffs and banians, who reside almost entirely in great towns, the inhabitants of these provinces are advancing hastily to a general state of poverty and wretchedness. In this description I must even include almost every zemindar in the Company's territories, which, though it may have been partly occasioned by their own indolence and extravagance, I am afraid must also be in a great measure attributed to the defects of our former system of management."

in other places, that, if your revenues were secure, if your country was safe and prosperous, if Bengal was happy and easy, it is madness and folly to try Mr. Hastings by the standard of humanity and justice: we have been told that he may, and that he must, violate all the laws of God and nature, or that he must run counter to all the principles of Asiatic government. I join issue with that sort of defence that has been made for him. I defy his Counsel to prove that there was either safety, happiness or prosperity. I state that the foundation upon which that defence stands falls to the ground. The country was not safe, happy, prosperous, under his government. Corruption caused unhappiness; corruption caused inhumanity; corruption caused injustice; corruption caused the violations of the laws of God and of nature: and I am yet to learn in what part of the world it is to be found—in what species of philosophy we are to discover—that inhumanity, injustice, violations of the laws of God and nature, can tend to the happiness and prosperity of the people. God has not so constructed the universe. It cannot be. Point out a spot upon the globe where injustice and inhumanity prevail in the government,—where violations of the laws of God and nature prevail,—and I will point you out a miserable, unhappy, dejected, discordant and destroyed, people. I will point you out the people of Dinagepore; I will point you out the people of Rajeshaye; I will point you out the people of Behar; I will point you out every one province from which Mr. Hastings took money. The violations of the laws of God and nature, in a government, must inevitably be attended with the unhappiness of the people.

But will the defenders of Mr. Hastings, who, I know, have ingenuity and talents to discover any defence—who have industry to make the most of it and eloquence to adorn it—will they join issue upon that defence, and admit that he has violated the laws of God and nature, and yet contend that the country has been safe, happy and prosperous, and has been advantageously governed? I should say it must have been from some circumstances independent of the violation of the laws of God and nature that they were happy. In so far as the laws of God and nature were violated, was so much taken out of the scale of their happiness and prosperity.

I may be told that they cannot be governed otherwise. Pleas of necessity for God forbid that that should be said to your Lordships! I unscripu-

16 FEB. 1790.
tended suc-
cess of his
government.

16 FEB. 1780.
long govern-
ment in
India.

know that the learned Counsel will not tell your Lordships that it must be governed so; they will not tell you that it must be governed with inhumanity and injustice. I know they will not. If it cannot be governed without inhumanity and injustice, in God's name, abandon the country; for it is better that you should abandon it than that you should state, as a defence to any inhuman act, that the country cannot be governed without inhumanity and injustice. If you were to acquit him upon the necessity of violating the laws of God and nature, you would establish a principle ten thousand times more important than the lives of ten thousand Mr. Hastings's; for you would establish this, that every future Governor of India may rob and plunder as he pleases,—may commit every act of injustice, of inhumanity, and violate every law of God and nature,—and yet be acquitted when he comes home, and even receive applause for his conduct. I know you never can sanction such principles if they should be urged before you. With this observation I leave it.

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**SPEECH OF THE RT. HON. CHARLES JAMES FOX,
MANAGER FOR THE HOUSE OF COMMONS,
IN SUMMING UP THE EVIDENCE ON THE
SIXTH, SEVENTH AND FOURTEENTH, AR-
TICLES OF THE CHARGE, RELATING TO PRE-
SENTS; 7 JUNE, 1790.**

MY LORDS,—The Managers for the Commons have been ^{7 JUNE 1790.} pleased to lay upon me the difficult and arduous task of summing up to your Lordships, and of observing upon, that great variety of evidence which we have submitted to your Lordships, during the course of the last and present sessions of Parliament.

My Lords, I hope it will not be imputed to any desire of personal attention or of personal distinction, if I do solicit your Lordships, most eagerly and most earnestly, to give me all the attention which the subject requires, considering rather the importance of the information which I shall submit to your Lordships for your judgment, than the defective manner in which it is likely to be stated to your Lordships. Claim on attention of the Court.

I know, my Lords, that in past times there have been orators who had, justly perhaps, a confidence in their talents and abilities, which allowed expressions and modes of thinking which, undoubtedly, I should be as absurd as vain if I could possibly entertain. I know that no less a person than Cicero, speaking to judges, has said—all he desired from them was integrity and honour, for as to listening to him [he would be responsible for securing their attention.]* I am precisely in the contrary situation, which is, to request of your Lordships, what I shall be unable to enforce without

* The quotation is apparently from the Oration against Verres, but no passage has been met with exactly agreeing with the sentiment expressed by it. Perhaps the following sentences, occurring at the commencement of the First Oration, may have been in the Manager's mind when he was speaking:—
“Ego causam sic agam, Judices, ejusmodi res ita notas, ita testatas, ita magnas, ita manifestas, proferam, ut nemo a vobis conetur contendere. . . . Ita res a me agetur ut, in eorum consiliis omnibus, non modo aures hominum sed etiam oculi populi Romani interesse videantur. . . . Propter hoc, Judices, peto, ut in hoc judicio nemo improbus, præter eum qui jampridem inventus est, reperiatur.”

7 J C 118 1790. the indulgence and assistance of your Lordships, an attention to what I shall lay before you. If your Lordships give me that indulgence, and that boon of listening with the attention which the subject deserves, but which I have no means of enforcing, I have no doubt afterwards of your Lordships' judgment, knowing your Lordships' integrity, and certain that the facts which I state must lead to the conclusions which I must desire you to draw from them.

Unattractiveness of the subject.

My Lords, in the point of that object of drawing attention, I, undoubtedly, come also under disadvantages peculiar to this cause; not only that I follow those who have been more able to illustrate the subjects which they have treated, and have been more able to draw your attention to them, but, also, in the nature of the subjects themselves. For, as it often happens that the most beautiful and striking effects in nature are produced by causes very different from the effects themselves, so it has happened, in this great business, that those striking objects which have been already displayed to your Lordships—in some of which I have had my unworthy share—were objects such as naturally commanded the attention of this House and the public;—were objects such as drew to them, from their magnitude and importance, from the great matters which they involved, from the destruction of provinces and the extent of dominion, the attention, not only of this country, but of all Europe and all the enlightened part of the world. But what I am to sum up to your Lordships is of a different nature. I am to show that which, possibly, might be the secret spring of [those] events,—[circumstances] which, of themselves, are neither great nor of a nature which would with any degree of satisfaction attract the attention of any liberal minds. I am to prove that those great and extraordinary events were coupled with, and probably had their source in, corruption, in meanness, in peculation, in rapacity, and in those sorts of crimes which, however odious and contemptible they may be in the minds of liberal men, are not used, in this country at least, and not used in many parts of the world, to produce events of such magnitude as those which have heretofore been laid before your Lordships.

The evidence refers to the 6th, 7th, and 14th Articles.

My Lords, I have to explain to your Lordships, as far as I am able, the evidence laid before you in two sessions of Parliament, and that evidence not laid before you upon the subject of any one Article, but upon the subject of nearly the whole of the sixth Article, of a considerable part

of the seventh, and of the whole of the fourteenth, Articles of ^{7 JUNE 1790.} these Charges. I shall be particularly careful, in what I state to your Lordships, not to let one word fall from me, if I can avoid it, which does not distinctly apply to the evidence actually before your Lordships; nor even will I touch upon that evidence in any part in which it can possibly be supposed not to relate to and to bear upon the matter charged in those Articles.

My Lords, it would be happy for your Lordships as well as for myself, if it were possible in this cause to have pursued such arrangement and method as would have exactly coincided with the manner in which either the Articles are drawn, or in which the evidence has been submitted to your Lordships. That it is not in our power to do so is not, however, I believe, when properly considered, the fault either of the Articles which have come from the House of the Commons, or of the gentlemen who have been directed to manage the impeachment. It certainly would ill become me, and I have not the least intention on this day, to refer to any of those various disputes concerning evidence which has been offered and rejected, which have occupied your Lordships' attention much, during the last and the present sessions of Parliament. I only refer to them in this view, as a sort of excuse and apology that we cannot pursue exactly the same method and arrangement which we originally intended, when we did suppose that certain heads of evidence would have been admitted, which your Lordships, in your better judgment, have declared to be inadmissible. The best plan, therefore, which suggests itself to me for stating this complicated business to your Lordships, in as clear a light as it will be in my power to show it you, is to begin, first, with that which was the subject matter; so far following—which I will do whenever I am enabled to do it, without breaking in upon the clearness of the explanation to your Lordships,—the order in which the evidence has been stated to your Lordships, and beginning with what was stated to your Lordships during the last session of Parliament, particularly relating to those presents which were accepted before the Act of the thirteenth of the King, specifically and directly forbidding presents, and also to another part of the sixth Article, which relates, not immediately to presents, but to the appointment of Munny Begum, whose appointment is there not only alleged to be in consequence of a bribe, but also alleged to be improper and a misdemeanour in itself.

Apology for method of presenting the evidence.

Evidence respecting presents taken before the Act prohibiting them.

Appointment of Munny Begum.

† JUNE 1790.

Corruption among the Company's servants in Bengal.

Appointment of Asoff-ud-Dowla.

Covenants and oaths against taking presents.

Oath taken by Lord Clive and his immediate successors.

The first evidence which we laid before your Lordships is will not be necessary for me to cite; I will only refer your Lordships to it. We read several letters of Lord Clive and of the Council of which he was President, stating the general corruptions which had prevailed among the Company's servants at Bengal. It will be only material to point out to your Lordships that that particular case of corruption which induced the then Council to write the letter which, I believe, was the very first paper which we gave in evidence to your Lordships,—that the principal scene of that corruption was stated to be the appointment of Asoff-ud-Dowla to the government of Bengal, whom the letter states to be the natural son of Mir Jaffier, and who was the son of Munny Begum, whose name is so often mentioned in this charge. I only wish your Lordships to attend to this for the sake of observing that the very point—that the very scene—which induced the Council to write that letter, giving such a melancholy and such a disgraceful description of the situation and character of the Company's servants in Bengal—that that particular scene was relative to and connected with the appointment of Asoff-ud-Dowla, the son of Munny Begum and natural son of Mir Jaffier, to the government of Bengal.

In consequence of these corruptions in general, and of the particular extravagance to which that corruption had run in the case to which I have alluded, it was proposed that certain covenants should be entered into, and that certain oaths should be taken. And it certainly appears that Lord Clive himself did take an oath, in his office of President, by which he does distinctly debar himself of the power of accepting any gift, gratuity, present or emolument, of any kind whatever, beyond what is given him, as a salary and as a perquisite, by the orders of the India Company. It appears that Lord Clive took this oath; which oath we have brought in evidence before your Lordships, and, I believe, is in the second or third page of the Minutes of last year. It cannot be disputed that Lord Clive took this oath; it appears that Mr. Verelst took an oath; it appears that Mr. Cartier also took an oath; and it has not been shown that there was any other oath of office excepting that which Lord Clive proposed and took. We, therefore, conceive it to be fairly to be presumed, that both Mr. Verelst and Mr. Cartier took the oath of office in the manner in which Lord Clive had taken it, namely, as an oath completely disqualifying himself from

taking any species of presents, under any denomination 7 JUNE 1790. whatever.

With regard to the present defendant, Mr. Hastings, it does not appear, undoubtedly, that he took any oath at all. There were some questions from his Counsel upon that subject, which seemed to lead to establish this proposition—Probability of Mr. Hastings having taken a disqualifying oath. that Mr. Hastings, though he did not take this disqualifying oath which Lord Clive had taken, had, probably, taken some other oath of office; and, also, to lead to an idea that the oath taken by Mr. Verelst and Mr. Cartier was not the specific oath taken by Lord Clive. I wish only that you would consider how this stands in evidence. It stands in evidence that Lord Clive took an oath against taking any presents or emoluments whatever; that Mr. Verelst took an oath; that Mr. Cartier took an oath; but it does not appear that Mr. Hastings took that or any other oath of office whatever. But, it appearing clearly, upon the face of the evidence, that Lord Clive took the specific oath I state, and it not appearing that any other oath was offered to Mr. Verelst and Mr. Cartier, and it not appearing that Mr. Hastings took any oath whatever,—there being no mention about it in the records of the Company,—I beg leave to establish, in the first place, the presumption, which seems a natural one, that he did not take that oath established by Lord Clive and his successors. But I shall not argue that with any degree of earnestness with your Lordships, because it is a point I am willing to let be taken as it suits his cause best.

If it be true, as I take the presumption to be, that, having the example before him of Lord Clive, Mr. Verelst and Mr. Cartier, taking such an oath, and, succeeding them, he avoided to take an oath which made it impossible for him, without breach of it, to accept any present whatever, I shall certainly say that avoiding following the example of his predecessors, in an instance of so peculiar a nature and of so delicate a nature with respect to the honour of the person taking it, must give some ground to believe that Mr. Hastings did not enter upon that office with the pure motives with which he ought to have entered upon it, and with the pure motives professed by his three predecessors, Lord Clive, Mr. Verelst and Mr. Cartier. If, on the other hand, he did take the oath, of which there is no proof what-Presumption of dishonest motive for not taking the oath. ever, it will be equally serviceable to the cause I maintain. Assumption that he did not take the oath. For no man will deny that, if he took an oath to take no

JUNE 1700, presents, the breach of that oath was of a very high and criminal nature. Therefore, I shall not spend your Lordships' time in arguing which of the two appears most likely, upon the evidence—whether he took the oath or not. I leave to the choice of the defendant to establish the fact of taking it or to deny it. If he did not take it, I argue upon it as a presumption that is to be added to the weight of the other presumptions and proofs which I shall produce to your Lordships. If, on the contrary, he did take it, I state that, to bring a criminality upon the presents he received afterwards, exclusive of the Act of the thirteenth of the King, and to render unnecessary any arguments that might be thought fit to be produced, to show the criminality of such presents.

Covenants entered into by Mr. Hastings.

Engagement not to accept presents.

Letter of the Directors prohibiting presents.

My Lords, whether he took the oath or not, it is, however, clear that he entered into the covenant into which the other servants of the Company were obliged to enter. Part of that covenant, and the principal part and object of that covenant, undoubtedly is, that he will not, either by himself or by any other for him, accept of any presents whatever, or engage in trade—which is not the business of this prosecution. There is, also, a letter from the Directors of the India Company, which has been laid in evidence before your Lordships, to the following effect:—

“The large proportion allotted to the Governor, in the before-mentioned commission of two and one half per cent., is in consideration of his relinquishing and not being concerned in any trade whatever, even in articles of import and export, and all presents or other gratifications, as expressed in the deed of renunciation in your proceedings of the 22d September, 1767, which we approve and confirm, and direct that all Governors do execute the like instrument on their entering into their office. Our inducement for annexing so great an appointment to the station of President and Governor is, in full expectation of his giving up his whole time and attention to the faithful discharge of his duty; and that, being excluded from all trade himself, he may be and we, accordingly, depend that he be, vigilant in watching and detecting all abuses committed by others.”

So that, whatever may be the meaning of the covenant itself,—whether Mr. Hastings took the oath or not,—he did know from the orders of the Directors, which orders he was bound to obey, what their construction of the covenant was, and what their opinion was of the salary which they had given their Governor, namely, that it was adequate to all the purposes of such a government, and that, in consideration of it, it was his duty, not only to relinquish all

trade, but to refuse all presents and gratifications of every other kind whatever. 7 JUNE 1796.

My Lords, from the evidence, your Lordships will perceive that Mr. Hastings was bound to accept no present or gratuity whatever,—I am speaking of times anterior to the Act of 1773;—that he was bound to it, not only by the covenant, but that he was bound to it by his oath, if he took it, by the sense of the Directors, if he did not take the oath, expressed upon the meaning of their covenant,—that his salary was sufficient for him, and that he was to take no other gratification whatever.

Mr. Hastings bound not to accept presents.

It was necessary to state this preliminary matter, because it has been said that a distinction has been endeavoured to be set up between the presents received anterior to the Act of 1773 and those taken subsequently to it; and, in the course of what I shall have to state to your Lordships, possibly I shall state some things which your Lordships will consider, perhaps, as a reason to think that the defendant himself has in his view some such distinction. I say it now only by the way, but your Lordships will observe that, with respect to every present which was received after the Act of Parliament, the prisoner, whether truly or falsely, has always attempted at least to deny and to refute the supposition of having converted them to his own use; but, with respect to the presents anterior to the Act, I shall prove he has not pretended that he has converted them to the use of the Company, and has not, in point of fact, anywhere absolutely denied them.

Attempt to establish distinction between presents received before and after the Act.

My Lords, having proved by the documents which I have stated what was the general duty of Mr. Hastings, I am sure I need not draw your Lordships' attention to the letter of Lord Clive and his Council, and to those circumstances preceding the appointment of Mr. Hastings which we have brought in evidence, and which tend to show that an additional and peculiar duty was attached upon Mr. Hastings to prevent all corruption possible. He was appointed at a time when the Company entered into a particular reform of such abuses, and when they ordered new measures to be adopted for the purpose of preventing them in future; and when they do specifically declare that they have given those large salaries to the Governor, upon the faith that he will abstain from every other means of gain, and that he will do—what, perhaps, without such a letter, it would have been the duty of a Governor to do—set an example to all others, and be in

Special duty of Mr. Hastings to prevent all corruption in the service.

JUNE 1760. a situation so clear himself that he may watch the misde-means of others and bring them to condign punishment, if need be, or at any event prevent them:—and, in order to put a person in the situation to prevent and discountenance abuse in those below him, it is necessary that he should be in such a situation as to lead no one to suspect that he is a participator in those abuses. Therefore, if any Governor, more than another, was bound to abstain from every species of gratification, from every thing that can be construed into any thing like speculation, it was a President appointed at the moment when the Company, reviewing the former state of the conduct of their servants, when they found great speculation and abuses to have existed, were taking new and, as they thought,—how much so in fact I shall show you,—decisive and effectual means of preventing the like abuses for the future.

My Lords, the next evidence to which we shall call the attention of your Lordships, is the evidence which tends to prove two allegations of the sixth charge before your Lordships:—

Charge of
bribe re-
ceived from
Raja Nun-
comar.

Appoint-
ment of
Raja Goor-
dass and
Munny
Begum.

“That the said Warren Hastings did, at different days and times, between the 1st day of October, in the year 1772, and the 30th day of September 1773, corruptly and illegally take, accept and receive, from one Rajah Nuncomar, a native Hindoo, high in office in the country government in India, or from some other person or persons, divers sum of money, amounting together to three lacs, 54,105 rupees, equal in value to 40,000*l.* sterling, or some other large sum of money, as a consideration or bribe for the disposal of and appointment to certain offices in the gift of him, the said Warren Hastings, being such President as aforesaid; particularly, for procuring Rajah Goordass, son of the said Nuncomar, the appointment of Niabut or head of the finances of Bengal, and causing Munny Begum, widow of Meer Jaffier heretofore Nabob of Bengal, to be the superior of the family”—meaning the family of Mobarick-ud-Dowla, Nawab of Bengal,—“75,004 rupees, being equal in value to 8,000*l.* sterling and upwards, or some other large sum of money; and the further sums of 24,998 rupees, 3,102 rupees, and 1,000 rupees, being, altogether equal to 3,000*l.* sterling and upwards, or some other large sum of money. Further, for constituting and appointing the said Munny Begum superior of the family of the said Mobarick ud Dowla, and taking away the superiority thereof from Baboo Begum, mother of the said Nabob, one lack of rupees, being equal in value to 10,000*l.* sterling and upwards, or some other large sum of money. Further, from the said Munny Begum, by a payment to one Nurr Sing, brother of Cantoo Bahadur, banya or servant of the said Warren Hastings, at the desire of him the said Warren Hastings, one lack and 50,000 rupees, equal in value to 15,000*l.* sterling and upwards, or some other large sum of money.

“That the court of Directors aforesaid did, by a letter bearing date the 28th day of August, 1771, inform the said Warren Hastings that they were fully sensible of the expediency of supporting some ostensible

minister in the Company's interest at the Nabob's court"—meaning the court of Mobaric-ud-Dowla aforesaid—"to transact the political affairs of the Circar or government, and they trusted to the local knowledge of him, the said Warren Hastings, the selection of some person, well qualified for the affairs of government, to succeed Mahomet Reza Khan as minister of the government and guardian of the Nabob's minority. That the said Munny Begum had been originally in a low and degraded condition, without education, unacquainted with the affairs of government, and then lived secluded in a zenana and retired from the world, whereby the said Munny Begum was totally unqualified for discharging the duties of guardian to the said Nabob and for governing his dominions, so that the said Warren Hastings, by the appointment of the said Munny Begum as aforesaid, not only acted corruptly and illegally in receiving the aforesaid sums of money, but added to the criminality thereof by violating the express orders of the said court of Directors, to the great and manifest prejudice of the rights and interest of the said United Company and this nation."*

You will see that there are two distinct charges, of different natures, contained in the paragraphs which I have read to your Lordships. One is the present received from Nundcomar or others, and the other is the appointment of Munny Begum, in defiance of and in contradiction to the orders of his superiors.

My Lords, it is my intention, first, to submit to your Lordships those proofs which I think will satisfy your minds that he was guilty of these crimes.

My Lords, in the charge with respect to the presents are sums amounting to 35,000*l.* or upwards, that is to say, of three lacs and a half; but I shall first make my observations upon one lac and a half, particularly. My Lords, I am sure it is not necessary for me to state to your Lordships that there are a variety of ways by which facts may be proved. Facts may be proved, and, perhaps, that is the most complete proof, by the confession of the offender, which in many cases we shall state to your Lordships. Facts may be proved by the actual sight of the commission of those facts by credible witnesses, which, in the case of bribery and corruption, can very seldom be adduced. But facts may be proved, and facts of the most criminal nature may be proved, by a variety of circumstances establishing such strong presumptions that it is not possible for a reasonable man to suppose that they could exist without the criminal fact having been committed. I shall contend that the proof of these particular facts, which I am about to state, is tantamount to the direct admission of

Charge respecting presents, amounting to 30,000*l.*

Present of one and a half lac.

Variety of proofs of facts.

Proof adduced amounting

* Articles against Hastings. — Printed for Murray, & Co., 1788, p. 49.

7 JUNE 1780.

to deliver
by Mr. Hastings.Presenta-
tion at the
Board by
Mr. Francis
of Nund-
comar's
charge
against Mr.
Hastings.His mode of
meeting the
charge.

the defendant, though there is no direct admission of the defendant at the bar.

We have laid before your Lordships the consultation of the 13th of March, 1775. In that consultation it appears that Mr. Francis, a member of the Board, did lay before the Board a letter from a considerable person in that country, called Maharaja Nundcomar, which letter did state the substance of what is stated in the charge which I have just read to your Lordships. What is the conduct of Mr. Hastings upon the statement of that charge? Does he deny it? No! Does he immediately attempt to excuse or to justify it? No! But he makes some sort of attack upon the mode in which the charge has been produced; and I wish your Lordships to attend to the words in which that attack is made. It is in page 1005 of your printed Minutes—

"Mr. Francis has acknowledged that he apprehended in general that it contained some charge against me. If the charge was false it was a libel; it might have been false for anything that Mr. Francis could know to the contrary, since he was unacquainted with the contents of it; in this instance, therefore, he incurred the hazard of presenting a libel to the Board. This was not a duty belonging to his office as a Councillor of this State. I must further inform the Board that I have been long since acquainted with Nundcomar's intentions of making this attack upon me."

His hesita-
tion in
charging
Mr. Francis
with pre-
sented an
actual
libel.

Your Lordships will observe that, in the very warmth and heat which arose in his mind upon this accusation—which, however, he had expected—instead of directly declaring, what was obvious for a man of honour to declare, that that accusation was false and groundless—that he had not received the money laid to his charge that he had received, he begins an attack upon Mr. Francis of a singular nature indeed, and tells Mr. Francis,—“You say you brought this to the Board not knowing the contents of it; then, if the contents of it had not been true, you would have brought a libel to the Board. You did, therefore, incur the hazard of bringing a libel to the Board.”

If he had been sensible that the contents of this paper were utterly false and groundless; if he had been sensible that there was no truth in the facts alleged by Nundcomar; he, who certainly was not disposed to spare Mr. Francis, would not have stated Mr. Francis' guilt in an hypothetical manner, but he would have stated,—“You have brought a paper which contains not one word of truth, and have, in so doing, presented a libel to the Board.” He knew, upon the first statement of the business to himself, that he had no

right to make such an assertion; he knew the contents of 7 JUNE 1780. that paper to be true; and therefore, in the violence of his accusation of Mr. Francis, he goes no further than to accuse him of having incurred the hazard of bringing a libel to the Board. Therefore, upon the first face of the thing, instead of denying the fact, Mr. Hastings tacitly and by inference admits it; for he accuses Mr. Francis, not of having brought a libel to the Board, but of having incurred the hazard of bringing a libel to the Board, if it had turned out that the contents of a paper, which he did not know, had been false, and which he himself admits to be true. One would think this alone would amount to an admission of the fact; but we have many other equally strong proofs which we have adduced to your Lordships.

My Lords, we have proved upon this occasion that the conduct held by the Governor General and Council—that is to say, by the majority—was to depute a gentleman [to investigate the charge] whose character Mr. Hastings, in various parts of his transactions in India, and the Counsel, upon cross-examination, have in vain attempted to destroy, —I mean Mr. Goring, whose name stands as high for ability, for integrity and for purity, in the Company's service, as any gentleman's who ever was in that country; —a gentleman who, when there was an attempt at the bar of your Lordships' House to cross-question him upon the subject of presents or of anything of that kind, did then desire at once that the whole of his conduct upon that subject might be inquired into; saying that he had no objection to state to this House, the other House, and the world, the whole of his fortune and all the means by which he had acquired it. Mr. Hastings objects to the deputing this Mr. Goring, merely upon the ground that it was unnecessary. I shall have so much occasion, in the rest of what I have to submit to your Lordships, to comment upon the peculiar modes of expression or of thinking which belong to Mr. Hastings, that I will not stop at this moment to make an observation upon this word "unnecessary;" but I will submit, whether there is one noble member of this House, whether there is one person sitting in this hall who has the feelings of a gentleman upon points of honour and upon points of delicacy with respect to his character, who, when he had heard it alleged before the Council by Nundcomar that he had been guilty of peculation and bribery, would say that an inquiry into the business which related to that transaction was unnecessary.

Mr. Goring deputed by the Board to investigate the charge.

Objection by Mr. Hastings to the investigation as unnecessary.

7 JUNE 1780. Many persons in such a situation might have said that the inquiry was unjust, in the mode in which it was conducted; that the inquiry was injurious to him. Others might have said otherwise, and, perhaps, more truly, that the inquiry was necessary for his honour; that it was desirable for him; and that it was a point upon which he should insist for the vindication of his own honour, if it might be otherwise of no use to the Company's service. But the applying the word "unnecessary," upon such an occasion and at such a time, is such a misapplication of the word, and still more of the idea, as, I believe, never did appear in evidence before your Lordships, nor before any other court of judicature whatever.

The consequence of Mr. Goring's inquiries was this letter from him,—

Letter of
Mr. Goring.

"At a consultation, Fort William, 25th of May, 1776.

"Honourable Sir and Sirs,—Enclosed I send you an account of several sums given by the Bhegum. It is under her seal, and was delivered to me by the Nabob in her apartments.

"I am, &c.,

"C. GORING."

Account of
sums given
by the
Bhegum.

"P.S. The Bhegum has made herself answerable to the Nabob for any sums that may be due to him by Etwar Ally Khan, and the Nabob has thought proper to release him from confinement."

"Memorandum of disbursements by English gentlemen from the Nabob's Circular, in the Bengal year 1179.

"To the Governor, Mr. Hastings, for an entertainment, 1,50,000 rupees," &c.

Crimination
of Mr. Hastings.

We have proved Mr. Goring's commission to inquire, which is in evidence, before; but I did not particularly observe upon it. It is an omission; many more of which, I am afraid, I shall be guilty of during this business.

Upon this return of Mr. Goring's, in which he states this fact, which, upon the face of it, is undoubtedly a crimination of the Governor General,—I mean, that he had received one lac and a half, that is, 15,000*l*.—what was the conduct of the Governor General? The Governor General says,—

Demand of
Mr. Hastings of ex-
planation of
the sum
charged to
have been

"As the commission given to Mr. Goring was to receive from the Begum all the accounts of the Nizamut for eight years past, and to deliver them into the hands of gentlemen appointed to examine and report their contents to the Board, I desire that Mr. Goring may be asked,—how he came by the account he has now sent in his first letter, of

the 22d instant, in which two sums only are mentioned, and said to be paid to myself and Mr. Middleton; and on what account this partial selection was made by him; and to desire an explanation from the Begum of the sum laid to my charge, and that he will ask the Nabob or the Begum their reasons for delivering this separate account.*

7 JUNE 1790.
received by him.

As to this, I am sure I need not use many words to persuade your Lordships that he knew he had received the sum; for, upon Mr. Goring stating that among the Begum's accounts it appeared there were three lacs, one lac and a half of which had been paid to Mr. Hastings, and a lac and a half paid to Mr. Middleton, what does Mr. Hastings say upon that subject? "I desire that the Begum may be cross-questioned; I desire that Mr. Goring may be cross-questioned"—in what manner? He does not apply his cross-questioning to invalidate the fact of having received the sum, but, in a manner admitting the fact, he asks why they have related those sums given to him and Mr. Middleton, and not the whole of the Nawab's expenditure.

Implied admission of its receipt.

In consequence of this, there was,—not in the exact words of his proposal,—but there was, a reference to Mr. Goring; and the directions to Mr. Goring were these:—

Inquiry of the circumstances ordered from Mr. Goring.

"Agreed that Mr. Goring be directed to inform the Board of every circumstance which attended the delivery of the paper; and, if any explanation was given by the Nabob or the Begum of these papers, to report the whole relation, and to enquire of the Begum a particular explanation of the payment said to be made to the Governor General."

In his queries, he does not only ask why these sums appear, not only what was the reason of a partial selection, but he asks an explanation of the nature of the sum paid to him; pointing clearly, as I shall show your Lordships hereafter, to the justification of his having received the sum, and not to a denial of his having received it. In answer to this, Mr. Goring makes the inquiry which he was directed to make, and writes the following letter:—

"Honourable Sir and Sirs,—I have been favoured with your letter of the 25th May, inclosing extracts and accounts relative to the establishment of the Nizamut; but observe you do not acknowledge the receipt of mine of the 19th. In compliance with your orders to explain the delivery of the paper containing an account of three lacks of rupees, I am to inform you it took its rise from a message sent me by the Begum, requesting I would interest myself with the Nabob to have Etwar Ally Khan released to her for a few hours, having something of importance to communicate to me on which she wished to consult him. Thinking

Further report of Mr. Goring.

* Consultation of the Board at Calcutta, 25th May, 1775.—Printed in the "Minutes of the Evidence," p. 1033.

7 JUNE 1770.

Sum of one and a half lac given to Mr. Hastings to feast him.

Desperate state of the Nawab's affairs.

Letter of Munny Begum to General Clavering.

Reference of the Begum to the records of the Nawab's accounts.

the service might be benefited by it, I, accordingly, desired the Nabob would be pleased to deliver him to my charge, engaging to return him the same night; which I did. I heard no more till the next day, when the Begum requested to see his excellency and myself, desiring Etwar Ally might attend. On our first meeting she entered into a long detail of her administration, endeavouring to represent it in the fairest light; at last she came to the point and told me—my urgent and repeated remonstrances to her, to be informed how the balance arose of which I was to inquire, induced her from memory to say what she had herself given; then mentioning the sum of a lack and a half to the Governor to feast him whilst he staid here, and a lack and a half to Mr. Middleton, by the hands of Bubboo Begum. As I looked on this no more than a matter of conversation I rose to depart, but was detained by the Begum's requesting the Nabob to come to her. A scene of weeping and complaint then began, which made me still more impatient to be gone, and I repeatedly sent to his excellency for that purpose; he at last came out and delivered me the paper I sent you, declaring it was given him by the Begum to be delivered to me. If in this affair I have exceeded my duty, I humbly beg pardon; but the extraordinary confidence you were pleased to repose in me, and the unlimited power attending it, moved me to exert myself to the utmost that the intent of my appointment might not be entirely fruitless.

"I am sorry to acquaint you, from what I have already heard, that the Nabob's affairs are in a very desperate state. The Sheristadars have delivered me an account from memory—the papers being sorting and under seal—by which it appears the Nabob is in debt ten lacks of rupees: the particulars I hope to transmit you in a few days.

"Enclosed, I send you the Begum's letter and account particular of the three lacks, under its cover. I am, &c.

"3d June, 1775."

"From Munny Begum to General Clavering, inclosed in Mr. Goring's letter to the Board, of the 3d June."

After the usual forms—"Mr. Goring has pressed me on the subject of the balances, in answer to which I informed him that all the particulars, being on record, would in the course of the enquiry appear from the papers. He, accordingly, received from the Nabob, Mobaric al Dowlah, a list of three lacks of rupees given to the Governor and Mr. Middleton. I now send you inclosed a list of the dates when it was presented; and through whose means; which you will receive."

You will here observe, my Lords, that the result of this inquiry proposed by Mr. Hastings is a re-affirmation of the fact, which, indeed, he never denied, but into the circumstances of which, it should seem, he wished some inquiry to be made. Mr. Goring asserts, as I have stated, the manner of the delivery of it; and the Begum says that she told him, but she does not entirely rely upon her veracity in telling it, but told Mr. Goring that it would appear upon the records. By "the records" she meant the records of the accounts of her son, Mobaric-ud-Dowla; and upon those records it

undoubtedly would have appeared, if ever there had been an opportunity of producing those records before the Company or before your Lordships, which, for various reasons, we are not allowed to do. But they are not material to this point. Munny Begum does expressly say an account of these sums will be found upon the records; and there was also an account of feasting the Governor General.

7 JUNE 1790.

The records not allowed to be produced.

Upon this return to the queries put by Mr. Hastings, there is another consultation: and it is material to observe the conduct of Mr. Hastings, because it is precisely consonant to the conduct of Mr. Hastings,—an occurrence which seldom happens in reviewing the transactions of this gentleman. But, however, in this instance he certainly was consistent with his former declaration; because he does not ask any question or make any observation which tends to a denial of the fact, but points all his observations and all his new questions either to a justification of the fact, or to an inquiry into the motives upon which this accusation had been made against him.

No denial of the fact by Mr. Hastings.

“The Governor General begs leave to make the following remark to the Board:—as neither Mr. Goring’s letter, of the 3d of June, nor the Begum’s letter, addressed to the General, which was inclosed in it, contain the full confirmation required in the letter written by the Board to Mr. Goring on the 25th May, I desire that the following questions may be proposed to the Begum:—

Minute of Mr. Hastings at the Board.

“First,—Was any application made to you for the account which you have delivered for three lacs of rupees, said to have been paid to the Governor and Mr. Middleton, or did you deliver the account of your own free will and unsolicited?

Questions proposed to the Begum.

“Second,—In what manner was the application made to you, and by whom?

“Third,—On what account was the sum, one and half lack, given to the Governor General, which you have laid to his account?—was it in consequence of any requisition from him, or of any previous agreement, or of any established usage?

“I must, further, request that these questions be transmitted to the Resident at the Durbar, and that he be directed to put them, in person, to the Begum, and to take down her answers in her presence.”*

There was afterwards a dispute at the Council whether this should be done, as he proposed, by Mr. Martin, or whether it should be done by Mr. Goring, or whether it should be done by both together; and it was ultimately agreed that these questions should be put to the Begum in

The questions put in writing in presence of Mr. Martin and others.

* Consultation of the 8th of June, 1775.—Printed in the “Minutes of the Evidence,” p. 1034.

7 JUNE 1796.

Observations by Col. Monson on the subject of the questions.

writing, Mr. Martin, Mr. Goring and two other gentlemen, being present: but these are not material.

In the debate, upon these questions being put, Colonel Monson observes,—

"The first question, in my opinion, has already been answered by Mr. Goring, in his letter of June 3.

"The second question, I think, is unnecessary; for if the money was given, it is of little consequence to the public in what manner this transaction has been made known.

"With respect to the third question, we already know on what account the lack and half of rupees was given; whether it was in consequence of a requisition from the Governor, or any other person, or by previous agreement, is not material, as the Directors will judge how far the Governor's having accepted of such presents is agreeable to their sentiments. I have heard that it has been an established usage for persons of distinguished rank, when resident at the court of eastern princes, to have large sums of money given them for their table expenses.

"The Governor General can himself satisfy the court of Directors whether he received such an allowance from the Begum or the Nabob's household, or whether he has charged any sum on account of his expenses to the Company while at Muxadavad." *

The questions directed to the motives of the present and its application.

I read this to show to your Lordships, in the first place, that it was observed at the time that these new questions which he put were only in some sort a repetition of those which already had been put, but for the more material observation, that they go to points not in question; for Colonel Monson judiciously observes,—“This goes to the motive, which is nothing to the purpose, or to the application of the present, which is nothing to the purpose neither, for it has already appeared that it was upon a pretence of entertainment; and that is a matter which it is for the court of Directors to judge whether, on such a pretence as that, you ought or not to accept any present whatever.”

In consequence of this consultation, there were sent to Mr. Goring additional questions; and these were to be put in writing, as I said, by Mr. Martin and Mr. Goring, with two other gentlemen present. Now your Lordships will observe that, upon this second occasion, and this second set of queries which he sends to Mr. Goring, he acts precisely as in the first set of queries—that he does not ask one question tending to invalidate the fact of having received the money; but the questions go to two distinct motives, one—what led him to inquire into the giving the money? and the other—

* Extract from the same consultation.

what was the pretence of receiving it?—which led to a justification, namely, the having received it upon the ground of an entertainment, which he might suppose to be legal. 7 JUNE 1790.

In answer to these inquiries by Mr. Goring, there is a letter addressed to the Governor General, and received the 14th of June, 1775:—

“ At a consultation, Fort William, 24th of July, 1775. From Munny Begum, addressed to the Governor General and Council. Letter of Munny Begum in answer to the queries.

“ To-day, being Sunday, the 11th of Ribbee Assance, or June, a little after sunset, Mr. Goring, Mr. Anderson and Mr. Maxwell, came to me and presented me with a paper containing questions from the Governor General and Council, without any seal or signature. In the said paper is the following question—‘ Whether any application was made to me for the account of the three lacks of rupees which are laid to the charge of the Governor and Mr. Middleton, or whether I delivered it voluntarily and without solicitation.’ The case is this,—Mr. Goring on his arrival here seized all the papers and secured them under his seal, and all the Mutsuddies attended him and explained to him all the particulars of them. Mr. Goring inquired of me concerning the arrears due to the Sepoys; and Bohla observing that the Nizamur and Bahlah money was received from the Company, from whence then could the balance arise? I made answer that the sum was not adequate to the expenses. Mr. Goring then asked—‘ What are those expenses which exceed the sum received from the Company?’ I replied—‘ All the particulars will be found in the papers.’ The affair of the three lacks of rupees on account of entertainment for the Governor and Mr. Middleton has been, I am told, related to you by Rajah Goordass; besides which, there are many other expenses which will appear from the papers, as the custom of entertainment is of long standing, and, accordingly, every Governor of Calcutta who came to Moorshedabad received a daily sum of 2,000 rupees for entertainment, which was, in fact, instead of provisions: and the lack and a half of rupees laid to Mr. Middleton’s charge, was a present on account of an agreement entered into by the Baboo Begum. I therefore fixed my seal to the account, and forwarded it to Mr. Goring by means of the Nabob.’” Custom of entertainment of Governor General. Present to Mr. Middleton.

In this letter, the Begum states the means by which she was induced to make this discovery,—namely, that Mr. Goring came to make an inquiry into the whole of the Nawab’s expenses, and that she referred him to the papers which contained those expenses: and among those papers, undoubtedly, were found these sums to Mr. Hastings and Mr. Middleton. If there was anything, in that paper of questions which Mr. Hastings put, relative to the matter of discovery, that is cleared up and explained. Mr. Goring came here to inquire into the Nawab’s accounts. He took Mode of making the inquiry by Mr. Goring.

* Letter from Munny Begum to the Governor General and Council, received 4th June, 1775.—Printed in the “ Minutes of the Evidence,” p. 1038.

7 JUNE 1790. the Nawab's papers : the clerks explained the account. Being asked—how it came that, when we had received all we ought to receive, still the expense exceeded the receipt, they stated—“because there were these other expenses which appear upon the books, and are the sums given to Mr. Hastings and Mr. Middleton.”

Interpretation of Mr. Hastings' conduct, in reference to the inquiry.

With respect to the other question, she does expressly say it was for the purpose of entertainment, and mentions the rate that it was—2,000 rupees a day. Then what is the conduct of Mr. Hastings upon the receipt of this complete clearing up of the business by Munny Begum? His conduct is what is quite consistent with all his other proceedings; his conduct may be fairly implied to say this,—“I never denied the fact of receiving the 15,000*l*. I first objected to the way in which you accuse me of it. I said it was improper for a Councillor to bring a paper of which he did not know the contents, because he hazarded the bringing a libel. I said it was improper that those expenses of the Nawab's should appear and not others, and inquired why a partial selection was made. An account of the manner in which these papers appeared to us was sent by Munny Begum to Mr. Goring. Upon that, I put ulterior queries with respect to what had been done to lead her to make this discovery. She has explained to me that it was no discovery—no treachery—on her part, but what she could not avoid in consequence of Mr. Goring's commission; and, with respect to the other part, she has explained the ground upon which I received it, which shows my innocence—that it was upon the ground of an entertainment. I justify it upon that ground, and do not deny the acceptance.”

The evidence produced in proof of Mr. Hastings' acknowledgment of the charge.

I shall humbly contend that the circumstances which I have proved are not that sort of circumstances—they are much more—which I should bring to make out a circumstantial proof of a crime; but I bring these circumstances to prove Mr. Hastings' admission of the crime. I state them to be such circumstances as completely prove that Mr. Hastings, by the inquiries made by himself, by his reception of the answers to those inquiries, and by his conduct after the result of those inquiries, did, as plainly as if he had spoken the words, say, “Now I am satisfied; it appears in its true light; I never denied the receipt of the sum, but here is the account why it was given me, namely, upon the account of expenses, which I mean to justify.” But it is not necessary for me to stop here.

My Lords, this transaction was combined with several others, and there were frequent consultations, and as frequent debates, upon the subject at the Board of Calcutta. Those debates were carried on with a considerable degree of reciprocal warmth and reciprocal animosity. Mr. Hastings considered, as he has repeatedly said, the majority of the Council as his accusers,—as we have proved to your Lordships, for we have shown you a paper in which he says he so considered them. With those accusers he was continually debating, he was continually arguing, he was continually pointing out grounds upon which this proposition might be defended, or upon which he might accuse the bringers of it as factious or as attempting to disturb the government; but in no one instance does he take upon himself to deny the fact.

7 JUNE 1790.
Debates at the Board of Calcutta.

Recriminations by Mr. Hastings, without denial of the fact.

It may be worth while to read to your Lordships a minute upon this subject; which is certainly not the only one, for we have produced to your Lordships several pages of the same nature; but I refer your Lordships only to those pages, and will read one which, perhaps, may be considered as a summary of the whole, and contains the stronger parts of all the other minutes which are in the evidence before your Lordships,—the minute of Colonel Monson, General Clavering and Mr. Francis. It is the united minute of the majority.

Minute of majority of Council.

“The Governor General accuses us of attacking him with declamation and invective; yet, from the first outset of the differences between us, he has not ceased to attribute every one of those measures which we thought it our public duty to pursue, and which we do not doubt will stand the test of a Parliamentary enquiry, to a premeditated design to drive him from the government. A man who on all occasions permits himself to ascribe our conduct to so base a motive as the sole immediate purpose of working his overthrow, would have no title to complain of any terms in which we might think fit to retort such injurious treatment. But, although we have his own example to plead, we do not admit that we have followed it.

“The proofs produced against him, both positive and presumptive, are too strong to require the assistance of declamation; and whatever emotions the whole or any part of his conduct might excite in us, they are certainly unmingled with any personal resentment, which alone would give birth to invective.

“Mr. Hastings says, it is an insult on his situation to suppose that it requires courage in any man to declare openly against his administration. After the prosecution so obstinately continued against Mr. Fowke until a verdict could be obtained against him, notwithstanding he had been honorably acquitted at his first trial for the same charge, and after the death of Nundcomar, the Governor, we believe, is well assured that no man who regards his own safety will venture to stand forth as his accuser.”

Intimidation of accusers.

JUNE 1790. "In stating the evidence brought before the Board of his receiving near a moiety of the late foudzar of Hougly's salary, he takes no notice of the two letters from the foudzar himself by which the charge is supported. Without these letters, the authenticity of which was not disputed by the foudzar, we should have given but little credit to the evidence of the person who produced them. Mr. Hastings does not deny the fact; nor has he, in this or in the case of the specific charge brought against him by Nundoomar, ever ventured to plead—'Not guilty!' Provided he can secure himself from conviction in a court of law, he seems to care very little what the court of Directors or the world may think of him.

Dismissal of
Munty
Begum.

"In answer to every thing the Governor General has said upon the subject of the dismissal of Munty Begum, we content ourselves with observing that it was not an operation of such mighty and pompous importance as he makes it. She is not the Nabob's mother. She is not by birth a woman of any rank, but originally, as we are informed, a slave and a dancing girl. We consider her merely as an instrument in the Governor's hand to dispose of the Nabob's revenue as he might think proper. His committing the guardianship of the Nabob to a weak woman, as he calls her in another place, is not to be accounted for on any other principle. In this country still more than in any other, a woman is particularly disqualified for such an office. We affirm also that her appointment was in direct opposition to the orders of the court of Directors, contained in their letter of the 5th of August, 1771. They order the Governor and Council to substitute some person in the place of Mahomed Reza Cawn, who might be well qualified for the affairs of government, and to recommend him to the Nabob to be minister of the government and guardian of the Nabob's minority. Instead of obeying these judicious orders, Mr. Hastings and his Council divided the office and the salary annexed to it among three persons,—the first, a weak woman, incapable in this country of any active employment; we believe there never was an instance in India of such a trust so disposed of; the second, Rajah Goordass, whom Mr. Hastings now calls a young man of mean abilities, a Gentoo, and the son of Rajah Nundoomar; the third, Rajah Bullub, whose youth and inexperience evidently made it impossible that he should be fit for such an office as that of Roy Royan;—in the hands of the Governor General he may be a convenient instrument! By this state of the whole transaction, it appears that the first measure of Mr. Hastings' government was a direct disobedience of the Company's orders.

Appoint-
ment
of Raja
Goordass.

Administra-
tion of the
Nawab's
finances by
Munty
Begum.

"Our appointment of Rajah Goordass was temporary; we had no choice but between him and the Nabob's mother. As for Munty Begum, the present distresses of the Nabob and his family, the clamours of his creditors, and the mean and dishonorable state in which he was kept, sufficiently show what care she took of his revenues, and in what manner they were disposed of. Her care of his education stands much upon the same footing. While she was destroying his fortune, it is not likely that she should attend to the cultivation of his mind; nor do we conceive it possible that she could be qualified for such a trust. The accounts brought down by Mr. James Grant are under examination. The over-payment of near 14 lacs on account of the Nabob's pension, in the year 1772, is admitted by Mr. Hastings as a material error. The Nabob's present debts, contracted during the guardianship of the Begum, are supposed to amount to nine lacs. If any regard had been paid to the Company's orders of August, 1771, which direct that the

minister at the Durbar should deliver annually to the Board a regular and exact account of the application of the several sums paid by the Company to the Nabob, such waste and embezzlement could not have happened; but, on the other hand, some gentlemen who appear to have profited by the Begum's bounty would have been precluded from one of the principal sources of their emoluments. 7 JUNE 1790.

"We now proceed to the Governor's minute of the 30th July. He asserts that the Begum was compelled to deliver a paper to Mr. Goring, containing an account of two sums, of a lack and a half each, given to Mr. Middleton and the Governor. We pay no regard to that private information from which the Governor collects his accounts of Mr. Goring's supposed ill treatment of the Begum. We do not believe that any compulsion was used with her to induce her to make this discovery. If there was, let him prove it. The court of Directors will see that, on her mentioning an intention to come to Calcutta, she had immediate permission given her to remove to this town or to any other part of the provinces. Alleged compulsion of the Begum to give information respecting money paid to Mr. Middleton and Mr. Hastings.

"We confess it appears very extraordinary that Mr. Hastings should employ so much time and labour to show that the discoveries against him have been obtained by improper means, but that he should take no step whatever to invalidate the truth of them. He does not deny the receipt of the money. The Begum's answers to the questions put to her at his own desire make it impossible that he should deny it. It seems he has formed some plan of defence against this and similar charges, which he thinks will avail him in a court of justice, and which it would be imprudent in him to anticipate at this time. If he has not received the money, we see no reason for such a guarded and cautious method of proceeding. An innocent man would take a shorter and easier course; he would voluntarily exculpate himself by his oath."* Neglect of Mr. Hastings to invalidate the charge.

You observe that these words, which are as strong as could be found in the language, are used by General Clavering, Colonel Monson and Mr. Francis, for the purpose of showing Mr. Hastings—what?—not for the purpose of showing him his guilt, but for the purpose of showing that the queries which he had put to the Munny Begum, together with his acquiescence in this answer, and the whole of his conduct, amounted to acquiescence in the fact, and to mark to him that he had in no instance ever denied it. Non-denial by Mr. Hastings of the charges.

My Lords, to these paragraphs which I have read the Governor General says,—

"Observations on the minute of General Clavering, Colonel Monson and Mr. Francis. Minute of Mr. Hastings in answer.
"I shall reply to each paragraph in this minute, separately."

Here your Lordships, I suppose, if you have not looked at the evidence or if it should happen to be out of your mind, will expect that Mr. Hastings, in his reply to all of these paragraphs of the minute, separately, will either do

* Extract from a minute of Gen. Clavering, Col. Monson and Mr. Francis, of the 15th Sept., 1775.—Printed in the "Minutes of the Evidence," p. 1097.

7 JUNE 1796

that which he was called upon to do as a man of honour—deny the fact of having received the money, or that he would show some reasons why his acting as he has done is consistent with the fact being false; and that it is possible, he might have acted as he has done and spoke as he has spoken, supposing the money never to have been received by him. No! he answers this minute in a very particular manner:—

"I shall reply to each paragraph of this minute, separately.

"2d. Requires no reply.

"3d. This merits none.

Prosecution
of Nundcomar.

"4th. I have declared on oath before the Supreme Court of Justice that I neither advised nor encouraged the prosecution of Maharajah Nundcomar. It would have ill become the first magistrate in the settlement to have employed his influence either to promote or dissuade it.

"12, 13, 14, 15. These require no reply.

"20, 21. These require no reply.

"29. This requires no reply."

Refusal to
reply to the
particular
charges.

These are the answers which the Governor General prefaces—"Observations upon the minute of General Clavering, Colonel Monson and Mr. Francis," in which he states that he shall reply to each paragraph separately. These replies are—"This deserves none."—"This requires none:"—with a little variation of the language—"This merits none:" and he gives no answer to them whatever! He might have despised the justice of this country, possibly, and he might have stood the brunt of all this inquiry [without replying to the accusations brought against him]. But, fortunately for the justice of this country, he has not in general wrapped himself up in those silent replies,—if I may be allowed such contradictory terms; but he has given explanations of his conduct, such as I have already stated to your Lordships in this instance, and shall have occasion to state in many other instances. But it does happen that, even in the short space of these few lines, he does give me ground to observe upon these negative replies, and to infer the opinion, which I hope I have already impressed upon your Lordships' minds, that he did admit and acquiesce in the idea of having accepted that sum; for, with respect to article the fourth, he has said—

Contrasted
with his no-
tice of men-
tion of the
case of
Nundcomar.

"I have declared upon oath, before the Supreme Court of Justice, that I neither advised nor encouraged the prosecution of Maharajah Nundcomar."

Upon what distinctions will the defendant establish that, 7 JUNE 1790. when there were accusations against him directly—such as there were with respect to the money he had received—it was not necessary for him to deny them; and, when there was not a specific accusation, but something which he interprets into an accusation, respecting the prosecuting of Nundcomar, he then thinks it necessary to purge himself upon oath of that guilt?

My Lords, I am speaking my own opinion, and not the sense of any body of men who deputed me here, that, if the death of Nundcomar was a crime, it was a crime far exceeding all peculation; it was a crime far exceeding all bribery whatever; it was a crime of the blackest die which, perhaps, it was in the power of any human creature to commit! But will Mr. Hastings, or any person accused, say that the enormity of this crime was the ground upon which it was necessary for him to deny it? I should have rather thought that the reasoning would have turned otherwise, and that a man might have possibly said—"when you accuse me of such enormous crimes as this, bring me to my trial and I will justify myself." But, that he should say—"upon all other subjects accuse me as you will; of murder—accuse me of this—I will purge myself upon oath;—but accuse me of specific crimes—of peculation—accuse me of taking bribes, and that is a subject which I will not answer, or deny the fact of having received them!" I Duty to meet inquiry on charge of pecuniary corruption. should have thought that, if there was a peculiar delicacy in the mind of any man, that would make him more forward to offer an inquiry upon one subject rather than another, it would be upon all subjects connected with and related to pecuniary transactions. Men would naturally say, upon all crimes connected with corruption, upon all crimes connected with peculation, and connected specially with corruption and peculation in a place and in a settlement where those crimes have been so notoriously committed, that a man would, in that situation, offer himself to an investigation with peculiar earnestness. But he did no such thing; and, in a letter which he afterwards wrote to the court of Directors, in which he complains much of the conduct of the whole majority, in which he complains much of their conduct to him in every respect, in which he complains much of the commission granted to Mr. Goring, and of Mr. Goring's manner of executing of it—a long detailed circumstantial letter—there is this to be observed, that he denies many

Mr. Hastings' letter to the Directors.

7 JUNE 1790.

Refutation
of small
charges.

things, in it; that he descends to very minute particulars, one of which I will give your Lordships as a specimen. It is in page 1024 of your Lordships' Minutes. He says,—

"As to the charge of withholding from Nuncomar a palakoon which he lays claim to, I am ashamed to reply to so futile an accusation. The Enclosure, No. 2, delivered to me by Mudglis Roy, the vakeel of Rajah Shitabroy, contains all that I know of this affair, except that the palakoon is in my possession, as I am told—for I have never seen it."

Silence as to
the receipt
of the
money
received.

Now, in this letter, he goes so far as to condescend to reply to an accusation which he states, and states truly, to be so futile as not even to merit any observation whatever. But he does condescend to observe upon it; he condescends to explain that fact, and, by a reference to the document to which he alludes, to purge himself from any guilt on the subject of this miserable palakoon; and yet, in this very letter where he answers to circumstances so futile, as he himself says, that he is almost ashamed of saying anything about them, he does avoid, throughout the letter, in any one passage of it,—and I desire your Lordships, when you read it again, will read it attentively with that view,—he studiously avoids saying any word which can be construed into a denial of having received the 15,000*l.*, or lac and a half, upon pretence of expenses.

Receipt of
one and a
half lac for
entertainment
proved.

Therefore, I think this is not a point to be argued upon circumstantial evidence. I think we have proved clearly before your Lordships, by his own constructive admission, that he did receive one lac and a half of rupees from Munny Begum on the pretence of entertainment.

Impropriety
of the ap-
pointment
of Munny
Begum.

Having proved this part of the charge, as I apprehend, from his own confession, or at least from that constructive confession, we now proceed to the other part of it, which is, the impropriety of the appointment of Munny Begum. These are the orders of the court of Directors, at page 973 of your Lordships' Minutes:—

Orders of
the court of
Directors
for appoint-
ment of a
successor to
Mohammed
Reza Khan.

"Extract of a letter from the court of Directors to the President and Council at Fort William, in Bengal, dated 28th August, 1771, beginning at page 107 of the same book.

"Though we have not a doubt but that by the exertion of your abilities, and the care and assiduity of our servants in the superintendency of the revenues, the collections will be conducted with more advantage to the Company and ease to the natives than by means of a Naib-Dewan we are fully sensible of the expediency of supporting some ostensible minister, in the Company's interest, at the Nabob's court, to transact the political affairs of the Circar, and interpose between the Company and the subjects of any European power, in all cases wherein they may thwart our interest or encroach on our authority; and as Mahomet

Reza Cawn can no longer be considered by us as one to whom such a power can safely be committed, we trust to your local knowledge the selection of some person well qualified for the affairs of government, and of whose attachment to the Company you shall be well assured. Such person you will recommend to the Nabob to succeed Mahomed Reza as minister of the Government and guardian of the Nabob's minority; and we persuade ourselves that the Nabob will pay such regard to your recommendation as to invest him with the necessary power and authority.

“As the advantages which the Company may receive from the appointment of such minister will depend on his readiness to promote our views and advance our interest, we are willing to allow him so liberal a gratification as may excite his zeal and ensure his attachment to the Company; we therefore empower you to grant to the person whom you shall think worthy of this trust an annual allowance, not exceeding three lacks of rupees, which we consider not only as a munificent reward for any services he shall render the Company, but sufficient to enable him to support his station with suitable rank and dignity. And here we must add, that, in the choice you shall make of a person to be the active minister of the Nabob's government, we hope and trust that you will show yourselves worthy of the confidence we have placed in you, by being actuated therein by no other motives than those of the public good and the safety and interest of the Company.

Annual allowance of three lacks.

Choice of the minister.

“As the disbursements of the sums allotted to the Nabob for the maintenance of his household and family, and the support of his dignity, will pass through the hands of the minister who shall be selected by you conformable to our preceding orders, we expect that you will require such minister to deliver annually to your Board a regular and exact account of the application of the several sums paid by the Company to the Nabob. This you will strictly examine; and we trust that you will not suffer any part of the Nabob's stipend to be appropriated to the minister's own use, or wasted among the unnecessary dependants of the court; but that the whole amount be applied to the purposes for which it was assigned by us.”*

Protection of the Nabob's stipend.

In this your Lordships have the Company's orders, which are exceedingly material for you to observe in many points of view. But the point of view which I more particularly press upon your Lordships at this moment is, that they appeal to local experience to appoint a person every way qualified for the situation in which Mohammed Reza Khan had previously been. What does Mr. Hastings upon this? An application is made to him to succeed to the office of Mohammed Reza Khan by an uncle of the minor Nawab, Yetteram-ud-Dowla; he writes, as we have shown in evidence, a letter, in which he states himself, by being the nearest relation to the Nawab, to be the properest person to stand in the situation in which Mohammed Reza Khan before stood. But he states it, not only upon the pretences

Mr. Hastings' conduct respecting the appointment of a successor to Mohammed Reza Khan. Application by Yetteram-ud-Dowla, uncle of the Nawab.

7 JUNE 1780, which he has, but that he has been desired so to do by the Begum, the mother of the Nawab.

Rejected by Mr. Hastings. Mr. Hastings, as we have stated to your Lordships in evidence, in page 975, gives a variety of reasons against appointing Yetteram-ud-Dowla. Among other reasons, he gives the danger in which the Company would be from any man being appointed to that office; because, he says, in that office there might be intrigues against the Company, and in short, the authority of the person in the place of the Nawab might be restored to an extent which might be dangerous with respect to the interests of the India Company. He also states, that he thinks the sum of three lacs of rupees too large a sum to be squandered upon the person whom he considers to be totally inefficient and useless to the government. Therefore, he entirely waives the orders of the Company; appoints nobody in the situation of Mohammed Reza Khan; but appoints three officers in his stead, Munny Begum, Raja Goordass, and a subordinate officer, whose name is Sudder-ul-Huk Khan.

The appointment split into three offices.

Appointment of Munny Begum.

We have stated before your Lordships who this Munny Begum was,—that she was originally in a very low situation of life; that afterwards she was a mistress of Mir Jaffier, and by him had this natural son, Nujem-ud-Dowla, who by the corruption of the Company's servants had been put in the situation of Nawab, but who was since dead. The orders of the Company being, specifically and directly, that he should appoint a proper person, a person of considerable abilities and a person of considerable station, to command respect from foreign powers, as successor to Mohammed Reza Khan, he appoints a woman, a weak woman as he considered her to be, a woman of low extraction, and a woman no way qualified to command the respect due to this situation; and, having stated that three lacs would be too much much to give to such an officer, he takes the whole of those three lacs and divides them between her, Raja Goordass,—of whom he states himself to have no opinion—whom he puts at the head of the household, and this subordinate officer, who has very little of the business or profit,—only 6,000 rupees, I think, out of the whole three lacs.

Disobedience to the order of the Directors.

We contend that, in that act, we have proved the part of our charge that we read before;—that, by appointing this Munny Begum and receiving this present from her, he not only incurred the guilt of having received a present where he had no right to have received one; he not only incurred

guilt of putting a person in the situation on account of the present; but that he did substantively appoint a person in direct contradiction to the orders of the Directors, and being, to appoint a person of the description I have stated, and he appointing a person no ways answering, in one particular, to that description.

My Lords, I think I have now done, with respect to these points, what I promised your Lordships to do. I have proved the substantive part of the charge. I have proved Mr. Hastings did accept one lac and a half of rupees contrary to what I have stated to be his duty. I have proved, also, that he did appoint Munny Begum to a situation of respect for which she was by no means fit, from circumstances which belong to her, and which I charge are in direct contradiction to the orders of the Company directing him to put in that place a person of a very different, I might say, opposite description.

Here I beg to pause for a moment, to state that, if I were to stop short here, I should conceive myself intitled to call for judgment, and to say to your Lordships that you cannot but other than pronounce Mr. Hastings to be guilty upon the parts of the sixth Article of the impeachment which I have stated to your Lordships. But I have not done upon this subject yet; because I would say one word, if your Lordships would allow me, upon the particular situation of this Court in the case of an impeachment, and of the particular cast of the crimes which we here accuse.

In the first place, with regard to the particular cast of the crimes, many of the crimes that we state are disobedience. In this particular instance, the substance of the two crimes consists in disobedience—that he accepted presents which he was forbid to accept, and that he appointed Munny Begum contrary to the orders of the court of Directors. These I receive to be substantive crimes. But, my Lords, the distance from Bengal to Great Britain, the impossibility of strictly adapting any orders given in London to the circumstances that may happen to exist in Bengal, are such that, undoubtedly, there may be cases where a disobedience to the orders of the Company, or even a disobedience to an order of Parliament, may be, if not wholly justified, yet to a great degree excused; and in some instances, possibly, it may go further than either excuse or justification, and be in itself meritorious. But these are all exceptions to the general rule. I contend that, when I have proved that a

7 JUNE 1790.

Recapitulation.

Situation of the court, and cast of crime brought before it.

Disobedience.

Particular cases of disobedience excused.

7 JUNE 1790. Governor did disobey orders which he was bound to obey, that he had received money which he had been told not to receive, or that he had appointed a person whom he had been told not to appoint, you must presume him, *prima facie*, guilty; and that it rests upon him to state the particular circumstances which make that disobedience, which is, *prima facie*, criminal, in a particular instance, either meritorious or at least innocent.

In the present case disobedience a crime.

But, my Lords, I think that, in this case, I shall be able to prove to your Lordships—after having proved, as I think I have, the substantive guilt—a great number of circumstances to show that this disobedience was not to be justified; that this disobedience was not to be excused; but, on the contrary, that there are many circumstances in it which add to the disobedience itself, and aggravate that which is, *prima facie*, in itself a crime.

Peculiarities with respect to the court

Having stated these peculiarities with respect to the nature of the crimes which we prosecute, I will also state some peculiarities with respect to the Court. When your Lordships shall have found Mr. Hastings guilty, the Commons will have nothing more to do, as I understand than to pray for judgment against him. It is possible your Lordships may find Mr. Hastings guilty of a misdemeanour; that it may be afterwards matter of much deliberation what the weight, the nature and degree, of that misdemeanour is, in order to affix to it an adequate and proportionable punishment. Of that, I conceive, it is my duty now to speak: and that it is my duty, having shown that Mr. Hastings committed a misdemeanour, to show the nature of it—to state the circumstances which aggravate it; and which circumstances ought to be in your Lordships' consideration, when you come to fix a punishment for the misdemeanours which we have proved.

Circumstances aggravating the misdemeanour committed.

My Lords, I shall now proceed to show your Lordships from the evidence produced at your bar last year, that there are many circumstances which I have not yet touched upon, because I do not think them necessary to prove the crime, but which I am sure your Lordships will take into consideration, both as establishing, in the first place, the *malus animus* which constitutes the guilt, and, in the second, the degree of guilt which constitutes the crime. It may not be amiss, in the first instance, to state to your Lordships, that I should conceive there would be little difficulty in admitting, that any circumstance that showed that Mr. Hastings had been

Partiality to Murray Begun.

guilty of any great, unwarrantable, partiality to Munny Begum,—that he had done much in her favour, or in the favour of her own son, or of the government of Bengal, which he ought not to have done,—that any such proof will go a great way to convince your Lordships that the appointment that he made of her was not only a disobedient appointment, but was a criminal appointment, and that the present which he accepted from her was, not only illegal, but, in every sense of the word, a criminal and corrupt present.

Criminality
of the ap-
pointment.

The first instance I shall produce to your Lordships upon this subject is one, in my idea, so powerful that, strong as the rest are, I hardly know whether it is worth while to rely upon them; because, in itself, it carries features of criminality and corruption so strong that, even if it belonged to a fact otherwise apparently innocent, it would give its colour and dye to that act. My Lords, we have proved that orders had come from the court of Directors—I believe in the year 1771 or thereabouts—to reduce the stipend of the Nawab from thirty-one lacs, or thereabouts, to sixteen lacs. We have proved to your Lordships that Mr. Cartier, in the month of January, 1772, notified to the Nawab this intended reduction, and that it was understood that it was to take place, I believe, from the date of that letter, or from the date of the Nawab's receipt—which is no difference, it being but a small distance,—and that the reduction, ordered by the Company, in the Nawab's settlement was to take place from some time in the month of January, 1772. This was the intention of the Company. But it is not so material for me to state that, because I am about to read a letter of Mr. Hastings to the Company, in which he shows how he understood their sense of this order; and he takes a considerable merit to himself for having executed it in the way in which he supposes them to have wished it to be executed. And I do assure your Lordships that your time will not be thrown away, if you listen attentively to every word of that short letter which I am about to read to you. It is in page 984 of your Minutes.

Order of the
Directors to
reduce the
Nawab's
stipend.

“ Extract of a letter from Mr. Hastings to the court of Directors, dated Fort William, 25th March, 1775.

“ ‘ Your order for the reduction of the Nabob's stipend was communicated to him in the month of December, 1771. He remonstrated against it, and desired it might again be referred to the Company. The

Letter of
Mr. Hast-
ings to the
Directors.

7 JUNE 1780.

Remonstrance of the Nawab to the reduction.

The reduction enforced.

Improved condition of the Nawab.

Statements of the letter.

Merit claimed for reducing the Nawab's household.

Board tacitly acquiesced in his remonstrance, and the subsequent payments of his stipend were made as before. I might easily have availed myself of this plea. I might have treated it as an act of the just Government, with which I had no cause to interfere, and joined in asserting the impossibility of his defraying the vast expense of his court and household without it, which I could have proved by plausible arguments drawn from the actual amount of the Nizamut and Behla establishments; and both the Nabob and the Begum would have liberally purchased my forbearance. Instead of pursuing this plan, I carried your orders rigidly and literally into execution. I reduced the Nabob's stipend from the date on which the first notification of it was made to him. I undertook myself the laborious and reproachful task of limiting his charges, from an excess of his former stipend, to the sum of his reduced allowance; and I had the satisfaction of viewing the Nabob in a state of magnificence suitable to his dignity, within a twelvemonth after, at Plassey, where he had met me, the year before, with every appearance of indigence and meanness. For this, too, I can appeal to many gentlemen of your service, who were witnesses of the Nabob's condition in both the periods which I have related.*

There is not one word of this letter which it is not material for your Lordships to recollect. You will observe that he states that the reduction in the Nawab's expenses was to take place from the time of its notification to him, in December, 1771, as he says; I only contend, in January, 1772; he states that the Nawab, however, had remonstrated against this, and that the Council seemed to acquiesce,—“the Board tacitly acquiesced,”—and he adds to it—“I might easily have availed myself of this plea, and joined in a variety of arguments;” and he says—“I might have found out plausible arguments,”—I rather think he is too sanguine sometimes about the plausibility of arguments which he brings in such instances—“and, if I had, the Nawab and the Begum would have liberally purchased my forbearance; but I, disregarding all hopes of the liberality of the Begum and Nawab, not looking to their protection, not looking to their favour, I was above all considerations of pity and tenderness to that innumerable corps of the servants of the Nawab who were to be dismissed, and pensioners who were to be set at large. I executed my duty in a rigid, stoical, manner, disregarding the cries of sufferers on one hand, disregarding the entreaties of the Nawab on the other, disregarding all advantages to myself; because, instead of gaining the favour and gratitude of the Begum and Nawab, I subjected myself to their resentment, by putting this order in rigid execution at the time when it was first notified to them.”

* Printed in the “Minutes of the Evidence,” p. 984.

Is it uncandid to state that, when a man puts his actions upon such a ground,—when he takes a merit to himself for a reduction which, he says, he made to take place in 1772, at which he might have avoided for a considerable time afterwards, and the avoidance of which, he says, would have been purchased by large bribes from Munny Begum and the Nawab—is it uncandid to say that, if I can prove that he did the very reverse of what he states; that he did not reduce till 1773, instead of 1772; that he did pay the thirty-nine lacs instead of sixteen; and that he did all those things which, he says, he might have done if he was inclined to take bribes and receive rewards—is it uncandid to say, when he has put the test of his innocence or guilt upon this very fact, when he says—“you might have justly suspected me if I had not reduced it from the beginning of 1772, though I could have covered my conduct with plausible arguments,”—and I prove, on the other hand, that he did that very thing which he denies—that he did it from those motives which he suggested might have been motives so to do it?—that he might have been purchased so to do by the Nawab and the Begum? If I do prove that he has forborne, is it uncandid to say that that forbearance was liberally purchased by the Nawab and the Begum,—especially, as we know that from the Munny Begum he had received a sum which he was not entitled to receive? By what carelessness he wrote this letter, in 1775, I know not; by what evil genius impelled, he wrote this letter, in 1775, I know not; but undoubtedly, he does there take to himself a considerable merit for a fact which is not true; and does fairly admit all the imputations which we can lay upon him, provided the state of that fact is proved not to be as he has stated it.

Inferences suggested by the facts being contrary to the statements.

My Lords, about two months after the writing of this letter, in which he has boasted of his firmness, in which he has boasted of all the things which I have stated, and in which he has put his merit upon the issue of that fact, appear these circumstances which I am now about to state, and which have already been produced in evidence. The following is an extract of a consultation of the 25th of May, 1775, beginning at page 376; it is in page 985 of our Lordships' printed Minutes:—

Accounts of the Nawab.

“Account current of the Nabob Mobarick ul Dowla, from the time of his accession to the musnud to the 16th of August, 1772. Creditor,

7 JUNE 1769. for annual stipend, due to him from 1st May, 1770, to the 16th August, 1772, at 31,81,860 per annum, for 27 months, 16 days, a 73,000,601.

" Fort William, 11th May, 1775. Errors excepted.

" Signed, CHARLES CROFTS, Accountant General to the Revenue Department."

The following is an extract from the same consultation, beginning at page 2307 of the same book :—

" Account current of the Nabob, Moharick ul Dowla, from 17th August, 1772, to the end of February, 1775.

" For amount of annual stipend, due to him, at the rate of 31,84,860 per annum, agreeable to the establishment, from 17th August to 31st December, 1772, for four months, 11,84,359.

" Fort William, 11th May, 1775. Errors excepted.

" Signed, CHARLES CROFTS."

Reduction
in the
Nabob's
allowance
not made
down to
Dec. 1772.

Contradiction
of Mr.
Hastings'
statement.

Now, my Lords, you see that, by this account, signed by Mr. Crofts, it appears that the old establishment of thirty-one lacs is paid down to the 31st of December, 1772; so that you see, in this account—for both the accounts tally—*it* says,—“at the rate of thirty-one lacs;” and, if you will observe the sums, they are fairly calculated upon the rate of thirty-one lacs; therefore there is no accidental mistake of figures. So that it appears that this retrenchment, which Mr. Hastings said he might, if he had been corruptly inclined, have deferred to the end of the year 1772, which he said he had many plausible arguments to defer to 1772, by deferring which to 1772 he said he should have gained the favour of the Begum and the Nawab, in which instance they would have purchased liberally his forbearance, was actually, contrary to the fact stated, continued down to the end of 1772, without any reasons offered for it by Mr. Hastings, and, probably, with a liberal purchase given him for forbearance by the Begum and the Nawab!

It would appear to any man, not acquainted with the general modes of acting of Mr. Hastings, a strange and unaccountable thing, that, in the month of March, 1773, he should have defended his innocence upon the ground of the reduction of that establishment at the beginning of the year 1772, when he knew that there were, in the accountant's office, accounts which might have been produced, and which would bring him to the complete shame to which I have just now brought him at your Lordships' bar. But he has singular ways of getting rid of accusations when they come to bear against him and which it is impossible to answer!

The next paper is in the same page of your Minutes— 7 JUNE 1790.
a consultation of the 12th of June, from a book already
delivered in :—

“ The Board also recur to the Nabob’s account delivered in by the
Accountant General to the Revenue Department, in consultation,
25th ultimo.”

That is to say, the Board refer to those accounts which I
have just stated. Your Lordships have not forgotten
Mr. Hastings’ letter, I trust, with all his boast upon this
subject. Now look a little to his observations :—

“ The Governor General informs the Board that there appears to him
a very material error in the account current with the Nawab signed by Observa-
tions by Mr.
Hastings.
Mr. Crofts, and now before the Board, credit being therein given to the
Nawab for his stipend, according to the old establishment, to the 31st
of December, 1772 ; whereas it was expressly settled by the committee
of circuit, in July or August, 1772, at the time that the Governor was
with the committee at Moorshedabad, that the reduced stipend should
take place from the day on which the Nabob received the former notifi-
cation of the Company’s orders, on that subject, from Mr. Cartier,—
which was in December, 1771, or January, 1772 ; that he thinks this
mistake ought to be rectified, before the accounts are finally adjusted
with the Nabob.”

When Mr. Hastings is detected in this falsehood, to what
has he recourse ? He has recourse to saying—“ here appears
indeed to be a very material error.” The Governor General
tells you, in the year 1775, that he finds, to his great
surprise, that in a period elapsed, for near three years,
there was a considerable and material error, namely, the
error of paying to the Nawab 150,000*l.* sterling and up-
wards, which was by no means his due. And this error had
subsisted, and would have subsisted, if those accounts had
not been called for for the purposes for which they were,
—originating, I believe, from Mr. Hastings’ imprudent
boast. Then he contents himself with saying,—“ here is a
material error ; ”—but adds . “ I think”—he thinks, for once,
that error ought to be the ground of some inquiry—“ this
mistake ought to be rectified, before the accounts are finally
adjusted with the Nabob.”

But is this the natural behaviour of a man in such a case, Suspensions
arising from
his lenient
notice of the
accounts,
when a person, in an office of such trust as Mr. Crofts, had
committed so material an error as to charge to the Com-
pany’s accounts above 150,000*l.* sterling more than he ought
to do, and the retrenchment of which he had thought a
matter of considerable importance ? Was it not natural that
he should feel all that just indignation against Mr. Crofts,

7 JUNE 1799.

which any Governor ought to feel at any officer, employed in a high and important trust, having made an error in his accounts of such magnitude?

Mr. Crofts,
the account-
ant, under
Mr. Hast-
ings' protection.

And thence-
forward pro-
moted by
him.

We have clouds of evidence to show to your Lordships that Mr Crofts, before this time, was a person protected and appointed by Mr. Hastings. We have still further documents to show that, instead of forfeiting in any degree his favour for this error, which in any other case would be called an enormous and monstrous delinquency, from that time, instead of punishing and discountenancing him, he was ever after the chief and prime favourite of Mr. Hastings, employed by him in his most secret transactions, and advanced to the highest and most important trusts in the Company's service. I say that, when a Governor General sees an error of this kind and does not punish, but rewards, the person guilty of it, he makes himself answerable for the error so committed. However, this error was to be set right. And here I must beg a little of your Lordships' peculiar attention, because, if I state anything in matters of account wrong, I should be exceedingly sorry; but it appears to me so clear, that a small attention from your Lordships will enable you to see it as clearly as I do. In the same page, in the consultation of the 4th of September 1775, occurs the following letter:—

Account
rendered by
R. Johnson.

"Honourable Sir and Sirs,—Indisposition prevented the attendance of Mr. Crofts at the office. I take the liberty to acknowledge the honour of your commands, transmitted the 16th instant, by your assistant secretary. In compliance with the spirit of which—want of materials preventing compliance with the letter—I have drawn out the two accompanying accounts, Nos. 1 and 2; the first stating the Nabob Mobarick ul Dowlah's account with the Honourable Company, from the period expressed in your commands to the latest period possible, the 30th of April, 1775; the second, an annual account of payments made to the Nabob, during the periods that Mr. Middleton acted as Resident at Darbar, drawn up from his own accounts as transmitted to the Presidency.

"Signed, RICHARD JOHNSON."

Now upon this account, there is an endeavour to set the other account right, and it states on one side of the account—

"To amount paid by the Company's Council of revenue at Moushedabad, of this date—that is from January, 1772, to the 8th of September, 1772—twenty-five lacks; balance due to the Nabob, four lacks, which make together the sum of 29 lacks."

There is stated on the other side of the account,—

7 JUNE 1700.

“ January 1st.—By arrears due to him upon the old establishment to this date, nineteen lacs. Sept. 8.—By stipend agreeable to the new establishment, from January 22 to this date, making 7 months, 17 days, ten lacs; which makes the same sum of 29 lacs to sett off against the other sicca rupees on the other side.”

Now, if there was any truth in this account, this would set the whole matter right. They were so sensible of this error, and of this error being, as Mr. Hastings justly observes, a very material one, and leading to consequences of the greatest importance, that they endeavour to justify it by this means. They say,—“ True, it appears that such sums were paid to the Nawab.” But, in order to convey an idea that they were not paid upon the notion of the old stipend being continued, they state that these sums were paid, but that they were paid in discharge of arrears due to the Nawab upon the old stipend, to the amount of twenty-five lacs; and, therefore, they state that the further balance to the Nawab was only four lacs; so that, if this account were true, the other might only be an error in the way of stating it, and not a real and substantial error. From this account one would suppose this had been paid, not as part of his stipend, but as an old outstanding arrear.

Attempt to correct the first account by charging sums as arrears.

This was the attempt. But then, in the same page of your Lordships' Minutes, in an extract of a consultation of the 14th December, 1772, subsequent, of course, to the period in September, 1772, to which some of these accounts were made up, your Lordships will find an account, at the bottom of the page, stating the total amount of the Nawab's debts. That we have nothing to do with. Then there comes,—“ Due from the Company, 19 lacs [19,78,556 : 6 : 1 : 1];” then—“ Due for assignment on the zemindars, two lacs more [2,43,353 : 9 : 9 : 1].” So that the result of this account is, that the apparent balance due to the Nawab is nineteen, but the real balance due, with the addition of these two sums, is twenty-two lacs.

Further accounts of sums due to the Nawab.

Now this account completely falsifies the other; because, if it were true that the sums paid the Nawab in the month of September were, as that account purports them to be, part of an old balance outstanding, then the next account must be true—that the balance was reduced to four lacs.

Contradictions in the accounts.

Now it appears, in the month of September following, that that balance was not a balance of four but of twenty-two lacs due to the Nawab; *ergo*, it is impossible that that

7 JUNE 1780. balance could be paid up to the month of September; for it was impossible that that new balance, in addition to that four, should be incurred, the whole stipend altogether being but sixteen laes. Therefore there can be no pretence that there was any new balance, to so considerable an amount, incurred between September and December.

Explanation of the contradiction. What makes this difference in the two accounts? I will state to your Lordships shortly and, I believe, unanswerably. This difference arises from this circumstance—that

Crofts' first account correct. Crofts' first account, in which was said to be this material error, was the true account, namely, that the Nawab had been paid according to his old salary; that the subsequent account, referring these payments to an outstanding arrear, was false and fictitious, made to reconcile, in some degree, the account of Crofts with Mr. Hastings' declaration: and that it was so far from being paid, that it was outstanding to the month of December, 1772. So that this very scheme of Johnson's—under whose direction does not appear of endeavouring to falsify Crofts' account, and endeavouring to impose upon the Board and Council at Calcutta a false account, only served to illustrate more clearly Mr. Hastings' guilt upon this subject, and to prove that he did directly the contrary of that which he asserts;—that, instead of reducing the Nawab's revenue from the beginning of the year 1772, he did continue the old stipend to the end of the year 1772, with all the observations to which that continuation is liable,—namely, among the principal observations, that by so doing he might gain, as in point of fact he did gain, a liberal price for his forbearance from Munny Begum and from the Nawab.

Proof that Mr. Hastings did not reduce the Nawab's allowance.

A price taken for his forbearance.

My Lords, I think, if I had stated this circumstance—and this circumstance only—to your Lordships, I should have sufficiently proved the aggravated guilt of Mr. Hastings in receiving these fifteen laes from Munny Begum. I beg your Lordships will all along keep in your minds that I do not state this false account as a substantive charge against him,—for this reason,—because it is not in our charge; but I state it as a powerful medium of proof, that, in taking that 15,000*l.* from Munny Begum and in appointing her, contrary to the orders of the Directors, he acted in a corrupt manner, and with very bad and interested views; and you will take a proof of it, which is always allowed to be a proof, from the false accounts he has given of all the transactions connected with it.

The false account not stated as a substantive charge against Mr. Hastings.

Corruption inferred.

I shall now state to your Lordships another paper of considerable importance, in my conception; a paper, concerning the production of which there was some debate between the Counsel on the other side and us, and upon which paper—7 JUNE 1790. Order of the Directors that an exact account should be kept. which has not often been the case—we had the good fortune to gain your Lordships' opinion;—I mean, the paper in which the East India Company direct that there should be an exact account kept. They directed—in my opinion very judiciously—that not only an account should be kept of the moneys issued to the Nawab, but that this officer, whom they expected to be appointed to this situation in the room of Mohammed Reza Khan, should also give an account of the disbursements of the Nawab; thinking it material for the interests of the Company that his disbursements should not be more than his income, and that, by seeing the disbursements of the Nawab,—which was also a good reason, if it was so,—they might be able to discover whether any of their servants received any illegal presents from the Durbar. In page 983 of your Lordships' Minutes the following extract of a consultation of the 21st June, 1775, was read:—

“General Clavering.—‘I beg leave to move that the Accountant General or the Accountant of the Treasury be ordered to lay before this Board the annual account which has been transmitted to the late President and Council, or to the Governor General and Council, from Rajah Goordass, in consequence of the orders contained in the 26th paragraph of the General Letter of the court of Directors, of the date of the 29th of August, 1771, in the following words:—‘As the disbursements of the sums allotted to the Nabob for his maintenance of his household and family and the support of his dignity, will pass through the hands of the minister who shall be selected by you, conformable to our preceding orders, we expect that you will require each minister to deliver annually to your Board a regular and exact account of the application of the several sums paid by the Company to the Nabob. This you will strictly examine; and we trust that you will not suffer any part of the Nabob's stipend to be appropriated to the minister's own use, or wasted among the unnecessary dependants of the court, but that the whole amount be applied to the purposes for which it was assigned by us.’” Motion of Gen. Clavering for production of the account so ordered.

This is what General Clavering desires may be produced; and he founds his desire upon that order of the Company which I have stated.

“Governor General.—‘I can save the Board the trouble of this reference, by acquainting them that no such accounts have been transmitted; nor, I can affirm with almost a certain knowledge, any orders given for that purpose either to Goordass, to whose office it did not properly belong, nor to the Begum, who had the actual charge and responsibility of those disbursements. This I am willing to acknowledge to have been an omission of the late government, among, perhaps, many others, unavoidable in the multiplicity and importance of their other duties; and,

Mr. Hastings' admission that the account had not been kept.

7 JUNE 1773 perhaps, less attended to in this instance, from the absolute impossibility to examine the accounts or draw from them the uses intended by the order of the Honourable Company. I will answer for my own part, that, having given a great part of my time and attention in the course of many months to form a new establishment of the Nabob's expences, reduced within the sum of his reduced stipend, I had little encouragement, had it ever occurred to me, to go through the annual labour of scrutinizing and auditing the long accounts of his actual disbursements.*

His plea
that the
accounts
would have
been un-
intelligible.

That he had
no time to
inquire con-
cerning the
Nawab's ex-
penditure.

Here you see, my Lords, that the Directors have given a positive order that an account shall be kept of the Nawab's disbursements, and that that account shall be transmitted to the Board at Calcutta, for their information. General Clavering desires that such an account may be produced. The Governor General says,—“I can spare you the trouble of desiring the account, for I am sure it has not been kept, and am almost certain that it was not ordered:”—that is,—“that I disobeyed my duty to the court of Directors by omitting to order it.” This, he says, was an omission, but it was not an omission of much consequence; for these accounts never would have been intelligible if they had been produced. Upon which I shall make a remark, by and by; but he says, besides this,—“I am sure that having spent a considerable time in framing the reduction of the Nawab's establishment, so as to come within his reduced income, I had no encouragement afterwards to inquire or know anything about his disbursements.” I defy any man to produce, in the defence of a man upon any charge, so strange an answer as that is, containing such an extraordinary system of reasoning. He says,—“I had so much to do, I thought it a matter of so much moment, and employed so much of my time in reducing the Nawab's expenses by estimate within his income, that I afterwards had no encouragement to inquire or know anything about his disbursements,—namely, in point of fact, whether the plan which I intended was ever carried into execution or not, and whether his disbursements did bear any proportion to his income.”—He says,—“Having taken so much trouble in reducing the Nawab's expenses by estimate within his income, I never thought it worth my while afterwards to inquire whether it was within his income, or whether he exceeded it or not.” I believe your Lordships would think that, if that had been stated in the charge as a substantive crime, it could not be considered as a substantive crime or

* Extract of consultation of the Board of Calcutta, 21st June, 1773.—Printed in the “Minutes of the Evidence,” p. 983.

labour of any low or trivial class—that, when an 7 JUNE 1700.
 ad come from the Directors to keep certain accounts,
 omitted to do it, and actually confesses the omis-
 But let me observe upon what the nature of these
 s was. If these accounts had been kept in the Value of the
 in which they ought to have been, these two conse- accounts.
 s must have resulted from them. The first consequence
 ference to what I have been just stating, with regard
 continuation of the stipend to the Nawab beyond the
 which it ought to be continued; because, if it
 d from these accounts that the Nawab was actually
 g thirty-one lacs, it would have immediately struck
 ernalment and the Directors—how can he be spend-
 ty-one lacs when his whole income is but sixteen?
 erefore, that prevarication of Mr. Hastings, and that
 ience to the Company's orders, in continuing the
 till 1773, when he ought to have reduced it in 1772,
 have been proved.

that is not the only consequence of it. He says these To warn the
 s would not have been intelligible. That he would Directors of
 ntrived, if he could, to make them unintelligible, I the disobedi-
 re him complete credit; but I do not conceive that he ence to
 ave so disfigured the account of the Nawab's dis- their orders.
 ents that we should not have seen in it that which
 the substantive part of this charge. Why did he
 them? Not merely for the sake of disobeying them,
 admit he has done upon many occasions; but for
 dent criminal purpose—because he knew that, if he
 smit those accounts of the expenses of the Nawab,
 e expenses and disbursements would have appeared
 of a lac and a half to Mr. Hastings, which it would
 ssible for Mr. Hastings afterwards to justify. And To exhibit
 am your Lordships will allow this is a complete and the payment
 ant proof of the *malus animus*, of the guilt and bad of one and a
 m, of Mr. Hastings in receiving the 15,000*l.*, that he half lac to
 rds did, contrary to his duty, withhold from the Mr. Hast-
 ay, by his omission in not ordering the account to be ings.
 he account of the disbursements of the Nawab, in
 account it would have appeared that 15,000*l.* was
 o him, which he had legally no right to accept.

I only call to your Lordships' minds, in this part of the Proof of
 nt, what I was obliged to state in the preceding guilt in
 it, because it was necessary to that object at that withholding
 I mean, Munny Begum's answers to Mr. Hastings' the accounts
of the receipt of the money.
Munny Begum's reference to the paper of the Nawab's accounts.

7 JULY 1780. queries above stated. When she is asked how she came to make this charge against Mr. Hastings, why she produced this partial selection, she says,—“I made no charge; Mr. Goring had the papers.” In one case she says,—“from the papers,” in the other “from the record”—which mean the same thing—“these things will appear.” I do contend that, in this paper, which the Company ordered to be transmitted to the Board and which Mr. Hastings omitted to order the transmission of,—that in this paper would have appeared all the disbursements of the Nawab, and, among those, the money illegally given to Mr. Hastings and illegally by him received. That accounts for his omission, which appears otherwise unaccountable; and his omission does completely prove, as I have stated, the criminal intent of the whole transaction.

Guilt imputed from Mr. Hastings' omission to forward it to the Directors.

Mr. Hastings' claim of credit for immediate reduction of the Nawab's allowance, in his letter of March, 1775.

My Lords, it will also be necessary to observe to you that, in that letter, of which I stated every word to be valuable to your Lordships,—I mean in that letter of March, 1775, in which he gives, as a proof of the disinterestedness of his conduct, his having done that which we have proved he never did, the having effected the reduction of the Nawab's stipend from the commencement of the year 1772—your Lordships will recollect, among other things, he says that plausible arguments might have been drawn for the continuation of the original stipend from the impossibility of supporting the Nawab's household without it; “but,” he says, “however I might have stated it, possibly with a degree of plausibility, I would not avail myself of such a circumstance, but I reduced it immediately,” and he insinuates that he thereby incurred odium—that the reduction of the Nawab's establishment must be attended with a certain degree of odium to him who performs it. But, in another place, in a letter from the President and Council of Fort William, in Bengal, to the court of Directors, bearing date the 10th of November, 1772, he expresses himself more particularly about it:—

His letter of the 10th Nov., 1772, on the same subject.

“The reduction of the Nabob's stipend and the new arrangement of his household, in consequence, was a measure equally difficult and invidious in execution, but, besides being indispensable from your orders, our sense of its wisdom and propriety made it be undertaken without delay or regret. To bring the whole of the expences of the Nizamut within the pale of the sixteen lacks, it was necessary to begin with reforming the useless servants of the court, and retrenching the idle parade of elephants, menageries, &c., which loaded the civil list. This cost little regret in performing; but the President, who took upon him the chief

share in this business, acknowledges he suffered considerably in his feelings when he came to touch on the pension list. Some hundreds of persons of the ancient nobility of the country, excluded under our government from almost all employments, civil or military, had ever since the revolution depended on the bounty of the Nabob; and near ten lacks were bestowed that way. It is not that the distribution was always made with judgment or impartiality, and much room was left for a reform; but, when the question was to cut off entirely the greatest part, it could not fail to be accompanied with circumstances of real distress. The President declares that even with some of the highest rank he could not avoid discovering, under all the pride of eastern manners, the manifest marks of penury and want. There was, however, no room left for hesitation. To confine the Nabob's expences within the limited sum, it was necessary that pensions should be set aside. It was done; and every possible regard was had to equity and the pretensions of individuals, in settling those which were allowed to remain.

"The dependants of the late Naib Soubahdar were, without exception, cut off the list; and the remainder of the reduction was chiefly confined to those who were either of less pretensions or more independence of fortune than the old pensioners. In short, the whole establishment was adjusted to the Nabob's new income, beyond which, the Begum was given to understand she must not go. The general state of it was intended to be sent; but, as it may be well imagined, the minute household accounts of thirty-two lacks could not be examined by the proper officers in a few days. The President's departure pressed; they promised to send it after him; it is not yet come, but we hope to transmit it by one of the later ships."

Your Lordships observe that he says, that, among other reductions, the dependants of the late subahdar were, without exception, cut off the list. You will see them stated at 1,437 men and 90 women. So that, on this account, near 1500 persons were, with a view to this reduction, cut off the list of pensioners; and I admit that to be the fact: but I wish you to consider it in the view in which I am about to state it to your Lordships. These 1,500 persons in one instance, and probably many others, were cut off from their pensions, from their subsistence, from the charity which they had from the Nawab—in many instances ill placed—but, upon the whole, in such a manner as to make the reduction fall with considerable hardship upon many persons upon whom nobody would have wished such a hardship to have fallen.

I would observe upon this in two lights particularly. Why was all this reduction made? It was, if I understand the object of it, in order to reduce the expenses of the Nawab within the limits of his new establishment: but, though this reduction was made, he was not reduced within the limits of his new establishment till a year afterwards. Consequently, in the year 1772, these pensions were all reduced from the time of the notification of the lower esta-

7 JUNE 1790.

Numerous dependants of the Nawab deprived of their pensions.

Motive for the reduction.

The Nawab's allowance not reduced till a year after.

7 JULY 1780. blishment from Mr. Cartier. But the establishment, as we have proved by Mr. Crofts' account, was continued till the end of it. Therefore, by Mr. Hastings' conduct in that year, this effect was produced—that the Nawab's expenses, his pensions, charities, disbursements, were all reduced within sixteen lacs, but his receipt from the English government was continued at thirty-one lacs.

The difference
once ex-
pended in
presents to
Mr. Hastings
and
others.

Now we have an obvious reason to state for this, and that is, the sums given to Mr. Hastings and Mr. Middleton; and these sums will answer the sums of the reduction. It appears, therefore, that the Nawab was reduced in his expenses from thirty-one lacs to sixteen, but that his income was kept up; and can we doubt that it was kept up for furnishing corrupt presents to Mr. Hastings and other servants of the Company, especially when I have proved that, at that period, Mr. Hastings did receive a present which he was not intitled to receive? What becomes of this boasted reduction? Was it with a view to the advantage of the Company? Was it with a view to put the Nawab himself in a better situation with regard to his finances, or to render him more independent and respectable? No! these pensions were not reduced, but the receivers of them were changed. What was paid to these 1,400 men and these 90 women was not reduced, but the channel in which the Nawab's bounty flowed was turned, and, instead of being paid, as they had been before, to the servants of his father, to the dependants of his family, and the persons put out of office from the changes which had taken place in Bengal, they were turned into a different channel, namely, into the pockets of the prisoner and other of the servants of the Company. He did not reduce them; but he gave them, according to his own mind, more judiciously—I do not see how he can say more impartially; for he diverted them from the purposes to which the Nawab gave them,—the procuring subsistence to the dependants of his family,—into presents to himself and Mr. Middleton, and other corrupt servants of the Company: and I defy any man to show upon what principle that establishment should subsist, except for the purpose of enabling the Nawab and Munny Begum to give corrupt presents to him.

Period of
the reduction
of the
pensions
agrees with
that of the
reduction.

There is another view in which I wish your Lordships to consider this reduction of pensions; I mean, in respect to the time when it took place. It took place at the very time at which Mr. Hastings was receiving this very present,

under colour of 2,000 rupees a day for his entertainment. We have read to your Lordships evidence, in which we have proved that the Company considered the stipend they paid their Governor was sufficient for all purposes, without any moluments whatever; and that alone is sufficient to render his receipt of this 15,000*l.* criminal. But we have further stated that, at the very time when he was taking this stipend, he was reducing the stipends of others to a great degree of hardship, as he himself confesses, if not to a great degree of cruelty and injustice. We have proved to your Lordships this,—that Mr. Hastings did actually receive an allowance from the Company in consideration of his travelling expenses, besides the share of an allowance which he received as one of the committee of circuit; it appearing in evidence before your Lordships that there was a general allowance to the committee of circuit, of which Mr. Hastings was one, and that there was a particular allowance to Mr. Hastings for travelling expenses, amounting to between 3,000*l.* and 4,000*l.* sterling. This took away any pretence for taking 2,000 rupees, a day, from Munny Begum, and particularly under a pretence of entertainment, at a time when he was reducing with a rigid economy all the expenses of the Nawab,—at a time when he would have been furnished with a plausible excuse to defer it, on account of its hardness and cruelty.

7 JUNE 1780.

made for
Mr. Hastings' enter-
tainment.

Travelling
expenses
allowed to
Mr. Hastings
by the
Company.

I need not urge more to prove that, in taking this sum, he was not only substantially guilty, but that there was every circumstance to prove the *malus animus*; that there was every circumstance to aggravate the taking it, by the time he took it, by the circumstances of the persons from whom he took it, and the circumstances in which he stood as a reformer of abuses respecting the Durbar, at the moment he was plundering it. To prove that this taking was corrupt, we have shown that, from this time, afterwards, in all situations, he always did retain a partiality towards this Munny Begum, and a desire for her interest,—to be accounted for upon no principle but upon this, of continuing to be in some degree her pensioner. For when the Directors approved of the removal, and there was every reason to believe would disapprove of the re-establishment of Munny Begum, in the year 1778, he did re-establish her, under all the circumstances of unfitness which we have stated; and, not a twelvemonth before leaving India, one of his last acts as the Governor of Bengal was to write a letter to the Directors in favour of Munny Begum. He states to the

Aggravation
of the crime.

Partiality
afterwards
shown to
Munny
Begum.

7 JUNE 1780.

Subsequent
recognition
of the
receipt of
her pre-
sents.

Directors a variety of supposed merits of hers; that she had fallen a victim to his cause: and he says at one time, too, he believed that the personal animosity against her was instigated by a notion that she had shown some gratitude to him for his attentions to her. Now what that gratitude is to which he alluded, or what those attentions are, there can be no doubt. The attentions were his putting her in the situation which is charged as a crime; the gratitude to which he alludes was the bribes she is said to have given him for the purpose of putting her into that situation. But in the year 1783, at the distance of ten years from the time when those acts were done, when he states these reports as one of the grounds of calumny against her, which had excited other servants of the Company to be enemies and, as he states, persecutors of that woman, he does not deny the fact at that period any more than any other; he does not say that that accusation was false or groundless, or deny the fact of her having actually bribed him in the way that we have charged that she did.

Additional circum-
stances of
criminality
in the ap-
pointment
of Munny
Begum.

I have gone through most of what I had to say upon the subject of those circumstances which made the acceptance of this bribe peculiarly criminal. I must now touch, very shortly, upon a few circumstances which add to the criminality of appointing Munny Begum; which prove the bad intention, and which, undoubtedly, ought to add to the punishment, when the punishment is to come.

Mr. Hast-
ings' con-
currence in
opinion with
the orders of
the Direc-
tors.

I stated, in the early part of my speech, what the opinion of the Directors was in choosing a successor to Mohammed Reza Khan. I conceive that, for the purpose of proving Mr. Hastings criminal, I do enough when I show he disobeyed the orders of the Directors; and that it is not necessary for me, in every instance, to prove that he concurred in opinion with the orders of the court of Directors, and thought them as just as, I am sure, he ought to think them binding. But in this case I am able to prove that; and for that purpose I shall beg leave to read an extract of a minute:—

Minute to
the Direc-
tors.

“To the Honourable the court of Directors.

“You will expect that, in the proceedings against the Begum, the strictest regard will have been paid to her honour, and every scrupulous attention observed which the delicacy of the oriental manners prescribe with respect to her sex, and her rank and character particularly demand; and that, in the choice of her successor, due consideration has been paid to the requisites for so distinguished a charge,—that his rank is such as at least may not wound the Nabob's honour, or lessen his credit in the estimation of the people, by the magisterial command which the new guardian must exercise over him, with abilities and vigour of mind equal to

the support of that authority; and the world will expect that the guardian especially qualified, by his own acquired endowments, to discharge the duties of that relation in the education of his young pupil, to inspire him with sentiments suitable to the dignity of his birth, and to instruct him in the principles of his religion." * 7 JUNE 1790.

I read this paper, to show that those orders of the Directors which Mr. Hastings disobeyed were, in point of fact, orders in the principle of which he did concur; because, in his letter, he has stated that he conceives the proper qualifications for an office of this kind to be the qualifications stated in the letter—to be qualifications of experience, of great acquired endowments, and of a variety of other circumstances, which he stated, I suppose, for a different purpose at that period, but it matters not for what purpose. Those endowments he states to be requisite to that office; not one of which he pretended, in any degree, to exist in Munny Begum. Has he ever pretended that she was a person of that description?—that she had abilities and vigour of mind equal to the support of great authority?—or that she was especially qualified, by her own acquired endowments, to discharge the duties of that relation in the education of her young pupil—to inspire him with sentiments suitable to the dignity of his birth, and to instruct him in the principles of his religion? Has he ever stated Munny Begum to be a person of that description or that character? He has always stated her, for grounds of compassion, to be a weak, defenceless, woman, who passed her life secluded or immured in a harem, unknowing of the business of the world, and undoubtedly, as he has always stated, not dangerous to the Company upon that account. But, upon the very principle upon which he has stated her not to be possibly dangerous to the Company, upon the same principle he must allow her to be without those endowments which he, in concurrence with the court of Directors, states to be necessary for the office.

Qualifications requisite for the appointment—

not existing in Munny Begum.

His own description of her.

I stated before, he refused the proposal of Yetteram-ud-Dowla to place him in the office. He did it upon the ground that he might become dangerous: and yet, in another minute—which, to save your Lordships' time, I do not read, but which I state to be in page 975 of your Minutes,—upon the appointment of Raja Goordass, he treats with the greatest degree of levity and contempt, as a thing impossible, not

Rejection of Yetteram-ud-Dowla as likely to prove dangerous.

* Letter of Mr. Hastings to the court of Directors, 14th Sept., 1775.—printed in the "Minutes of the Evidence," p. 974.

7 JUNE 1790.

Subsequent
repudiation
of the agree-
ment.Recapitula-
tion of cir-
cumstances
of the agree-
ment.Further
aggravation.Claim of
Baboo
Begum
to the ap-
pointment,
as mother
to the Na-
wab.Preference
of Munny
Begum,
stepmother
to the Na-
wab.

only that Raja Goordass himself, but that any man in that situation, could be in any degree dangerous to the Company; the power of the Company and the subserviency of the Nawab being so established that it would be impossible to shake it by any means, but, if possible to shake it at all, it must be by long, progressive, acts. I urge this for showing that, when he refused Yetteram-ud-Dowla, he refused him for reasons which he thought bad; because he states, when he refused Raja Goordass, all these to be futile; and, when he disobeyed the orders of the court of Directors in not appointing a person of the description they ordered, and when he gives those reasons which, I believe, I before stated, but which are in evidence,—that it was not fit to appoint him or any man on account of the danger—that he knew better, and that he knew that the proper person was not a woman who had been originally a dancing girl and had been introduced into the Nawab's seraglio, but should be a person of acquired endowments, to discharge his duties in the education of the Nawab, to inspire him with sentiments suitable to the dignity of his birth, to instruct him in the principles of his religion, and to give him such instructions as were necessary for carrying on his government and for the business of the world. I have stated that he knew all these pretences to be false; always protesting that, if I had not proved these things, he is equally proved to be guilty, and that these are only qualifications of the *malus animus* of his guilt and aggravations of his misdemeanour.

There is another circumstance which is a great aggravation in this case, and which is a great proof of his guilt,—for every concealment is an aggravation and every concealment is a proof. We have proved that there was at this time at the head of the household another woman, of a different description,—a woman who had been one of the wives of Mir Jaffier, but, without inquiring into all these anterior circumstances, a woman who had this advantage over Munny Begum,—an advantage which it is not necessary to argue, but which your Lordships will feel the moment it is mentioned, which would be felt in every country in the world, and, I am sure, not felt less in this country than another,—which was, that this Munny Begum was the step-mother to the Nawab, whereas Baboo Begum, who was at the head of the household, was his own mother. Munny Begum had been at the head of the household as long as her son, Nujem-ud-Dowla, had had the government. Upon the

of Nujem-ud-Dowla, when it went to another son. 7 JUNE 1790.
 e mother was not living, she might, for what I know,
 ue—I believe it is in evidence that she did continue—
 e head of the household too; but, upon Mobaric-ud-
 la coming to have the government, that of the household
 ally devolved upon the natural mother of Mobaric:
 when he was giving these employments to the successors
 hammed Reza Khan, he did not at once appoint Munny
 m naib subahdar, as Mohammed Reza Khan had been,
 se it would have been a matter too shocking at once
 Indian opinions, as well as to common sense, to appoint
 office of naib diwan a woman. He did not do that,
 e did what was worse. In order to give her the whole
 r of the government, he put her at the head of the
 ia, he put her at the head of the [court], he put
 t the head of the household; and by so doing, did
 lly displace from that government Baboo Begum, the
 al mother of Mobaric-ud-Dowla,—the natural person
 uppy such office. He not only did this, but never men-
 l his having done it; and, notwithstanding all the
 s, notwithstanding all the evidence we have examined,
 ve proved, as far as a negative can be proved, that in
 e letter, in no one information he ever gave the Com-
 did he ever mention the existence of any such person
 aboo Begum. He never let them know that Mobaric-
 owla had a natural mother then living, well knowing
 the moment the name of such a person appeared, the
 priety of the appointment of Munny Begum must
 r too glaring in the face of the world, and could not
 without reprobation and condemnation, even for a
 nt.

His conceal-
 ment of the
 claims of
 Baboo
 Begum
 from the
 Directors.

r Lords, I have now done—except a short observation—
 this part of the charge. I shall only recapitulate in a
 te what is necessary for understanding me more clearly
 I am afraid, I have been able to express myself; and
 s this,—that we have proved substantively that he did
 15,000*l.* which he ought not to have taken. We have
 d substantively, too, that he appointed Munny Begum
 ury to the orders of the Directors, and brought other
 nstances to prove the *malus animus* with which he did
 and that he was conscious at the time of the mischiefs
 ould, in some instances, ensue, and conscious of his
 ; which we prove by a variety of concealments and
 accounts which I have stated to your Lordships.

Recapitula-
 tion.
 Charge of
 taking
 15,000*l.*
 Appoint-
 ment of
 Munny
 Begum.

7 JUNE 1790.

*Proof of
receipt of
the two lacs.*

Your Lordships will observe that I have not said one word to your Lordships upon the subject of the two lacs, because although we have undoubtedly charged three lacs and a half, all the positive proofs I have stated go to one lac and a half, and to one lac and a half only. But it cannot escape your Lordships that all those additional circumstances which I have brought afterwards, in order to aggravate the taking one lac and a half, and in order to show his consciousness of guilt in so doing, as well as all the circumstances connected with Nundoomar's accusation, and his demeanour upon that accusation—all tend, though not to prove by his admission, yet to prove substantially that the whole of Nundoomar's accusation was true, and that he did receive the two lacs as well as the one lac and a half, which we contend he has, by implication, admitted. But I have rested the less upon that subject, because, though I do think it completely proved, as far as anything can be proved by a variety of strong presumptions, yet, as he has never directly or by implication admitted it, and as I do conceive that your Lordships know too much of the nature of criminal judicature to think that there can be any great difference in the degree of the enormity of the crime, whether he received one lac and a half or three and a half, I have laid the less stress upon this subject, and mean to dismiss the first part of the accusation, conceiving myself to have completely proved the first part of the sixth Article, to have proved the guilt of the prisoner, and to have proved circumstances for aggravating to a great degree the guilt I have before proved.

*Remains for
having less
insisted on
the proof.*

*Evidence
produced
during the
present
session.*

My Lords, I have now observed to your Lordships upon the whole, I believe, of the evidence which was submitted to your Lordships last year; always at the same time begging an indulgence for any omissions that I may have committed, and desiring it to be understood that, if there is any part of that evidence which appears to your Lordships material, you will not consider it less so, because, either for want of judgment or want of memory, I have omitted to state it and draw your Lordships' attention towards it. I now come to the evidence which has been laid before your Lordships during the present session of Parliament.

*Relates to
presents
received
subsequent
to the Act
prohibiting
them.*

The presents to which the evidence of this session goes, stand, in one view, in a different predicament from those which we have stated before. That difference is so obvious that I need hardly state it to your Lordships, as it principally consists in an Act of the 13th of the King, which was subse-

ment to the presents I have stated and anterior to those I now about to state to your Lordships. That Act does rectly, unequivocally and clearly, prohibit the accepting of gifts or presents, by himself or by his agents, to any servant of the Company whatever. And I conceive that to be so clear that I shall use no argument upon the subject, in this place and at this stage of the business; because the words convey that sense so clearly, upon the face of them, that anything that I might say in support might rather take away from the effect than strengthen it. If it should be disputed hereafter by others, it will be for me to observe upon the construction of that Act.

Though I know it to be a principle of law—and it is a *se* principle, however harshly it may sound—*ignorantia legis non excusat*, yet at the same time there is something

The Act so construed by Mr. Hastings himself.

that principle, when carried to its utmost limits, that seems so harsh to the ears of persons who do not hear it explained, that I am always sorry when I am forced to avail myself of it, and am happy in this case, when I can prove, not only that the Act has been so construed by the Directors, but also that it has been so construed by Mr. Hastings himself. And the Act was to be obeyed by their servants, in the sense in which it was construed by their masters; it being always laid down as a point of law in this country, by the act of King William, that the servants of the Company are bound to obey their masters.

The first evidence, therefore, that I shall take notice of to your Lordships is one that was given to you on the last day of your sitting, I mean on Wednesday last. The transaction was this:—there was, it seems, a custom in India that

every inferior approaching a superior approached him with a present. These small presents are called nazrs. When the act of Parliament passed, it was a doubt with some persons

The nazr, or small present from an inferior to his superior.

in my opinion a doubt very ill-founded—whether that Act prohibited these nazrs, together with all presents of other kinds, provided they were brought to the account of the company. Fortunately upon this subject we have a decision; for, in the commencement of the government which

Doubt respecting the prohibition of nazrs by the Act.

was made in consequence of the Act of Parliament, in the commencement of that government, which consisted of Mr. Hastings, General Clavering, Colonel Monson, Mr. Barwell and Mr. Francis, when a new order of things arose in India, and when those three excellent men,—two of whom are no more, and one of whom, in my opinion, will derive eternal

Encomium on Gen. Clavering, Col.

T. JENKINS.

Monson,
and Mr.
Francis.

honour from his conduct in that country,—I mean when General Clavering, Colonel Monson and Mr. Francis, went to India, and when it pleased God not to inflict that greatest misfortune that could have fallen upon this country, if, by any accident, their arrival in that country had been defeated by any means whatever,—I say that, when they arrived in that country, for the blessing of this, and ultimately, I hope, for the happiness of that, and by their arrival led to every reformation that has been produced in India since, and to every chance that there is of governing that country with justice, and to the credit and honour of this, in future,—when they arrived in that country and when the new government began, their conduct was different upon the subject of these nazrs.

Their rejection
of
nazrs.

Mr. Hastings' reservation
of
them for the
Company.

General Clavering, Mr. Monson and Mr. Francis, thought it right to refuse them altogether and to except no nazrs whatever. Mr. Barwell considered them so trifling that he thought it would be rather ostentatious giving them up to the Company, and decided for taking them themselves. Mr. Hastings took a middle course; he says,—“I will receive these nazrs, but not for myself. I receive them for the Company.” And he actually produced them, as is proved in evidence, sealed up in a bag, to be carried to the account of the Company, till they should have the further opinion of the Company upon the subject.

Order of the
Directors
for refusal
of nazrs.

This transaction being stated to the Company, the Directors were clearly of opinion that the majority, who had refused these nazrs, had done right, and directed that that should be the mode followed for the future. The more inconsiderable these nazrs were, the stronger for my argument, which goes for the purpose of establishing the sense of the Company with regard to the proper construction of the Act of the 13th of the King.

Interpretation
of the
Act as prohibiting
payments, even
on account
of the Com-
pany.

It appears by their conduct upon this occasion that they understood the Act as I understand it, as, I believe, the Legislature has always understood it, and as, I think, every man of common reading and common understanding must understand it, namely, that the Act is not merely a prohibition to the servants of the Company from taking money and keeping it to their own use, but a prohibition from taking money, however they may design to carry it afterwards to the account of the Company: and it is fortunate that the decision was in a case of very small sums, in a case where the intent was clear,—where Mr. Hastings meant from

ry moment he received them—and he proved his 7 JUNE 1790
g clearly—to bring the sums to the account of the
ny. There the Company so far disapproved his con- So under-
stood by the
Company.
at they approved of the conduct of the majority who
taking them at all: from whence I take it to be
nd unanswerable, that the opinion of the Company
at the Act peremptorily prohibited taking any sums
ly, though the intent was afterwards to carry them to
ount of the Company, and where there could be no
n of the servant of the Company having any intention
er to embezzle them.

ing shown this to be the Company's opinion, we can Similar
opinion held
by Mr. Hast-
ings.
ow it to be Mr. Hastings' opinion. In a letter to
l Champion, soon after the passing this Act, in the
a donation intended to be given to the army by the
he speaks of several objections to that donation; but
s,—

ile we were considering these objections, we thought of recurring
Act and that Act cut us short, for upon reading that Act, we
ie acceptance of this money to be absolutely impossible, illegal,
arts;”*

e doubts, even in subsequent parts of that letter—
letter is before your Lordships—whether even the
ny could legalise their taking that sum, and whether
ust not have recourse to Parliament for the purpose,
time or in any way, of gaining that donation. It is Expedient
suggested by
him.
at in that letter, afterwards, he suggests a kind of
nt. The expedient he suggests is this—“Let the
be taken; let it be given to the Company; let there
cord of what each man's share is; and then let the
f Directors decide, if the court can decide; or let them
o Parliament to give that money to you, or to whom
all think fit to give it.”

sh your Lordships to keep in mind, during these trans- Difference of
conduct
afterwards
pursued by
him.
what a very different line of conduct he gave in
to Colonel Champion from that which he pursued him-
f he had advised Colonel Champion to act as I am
to prove he acted himself in subsequent times, he
ave said,—“take all this money; conceal the receipt
take bonds or what you please for it; inform the

substance of this extract is contained in the letter of Mr. Hastings to
nion; dated 31st August, 1774.—Printed in the “Minutes of the
,” p. 970.

7 JUNE 1790. Company of it at your leisure, and let them decide upon whether it is your property or theirs." In my opinion, he gave that gentleman much better advice than he ever afterwards followed himself. He gave him advice that his whole conduct ought to be public, and, if he had any hope of getting it for the army, the way was, by at once depositing the whole money in the Company's treasury, and afterwards having the opinion of the Company, whom he seems to think hardly sufficient for the purpose, or to have the opinion of Parliament, upon the proper distribution of it.

Sense of the Act.

I have stated to your Lordships the principal grounds upon which I think it is perfectly clear that the Act of Parliament did that which it undoubtedly professes upon the face of it to do,—peremptorily to prohibit all presents and all private receipts of money whatever; and I have proved that to be the sense, not only of Mr. Hastings, which is not in my opinion so material, but that it was the sense of the Company, whose sense he was bound to obey and to pay respect to.

Documents proving Mr. Hastings' acceptance of such presents.

The next thing I have to do, is to point out to your Lordships those documents which will prove to you that such presents, in point of fact, he did accept. I will state the presents we charge and the documents by which they are proved, rather in order of the charge than in order in which they will come by and by.

Three lacs received from Nohkiasin, in 1783.

Presents from Dinagopore and Nuddea, for which he took bonds.

We charge that he took a present of three lacs from Nohkiasin, in the year 1783; which is completely proved by his letter from the Ganges, of the 21st of February, 1784, in which he expressly says that he received that present. We then prove that he accepted three presents for which he took bonds; two, of one lac 16,000 [rupees] each from Dinagopore, and one from Nuddea, of one lac 74,000 [rupees]. These presents are part of the 200,000*l.* charged in the Article; and we contend that we have proved these presents by the letters and documents attending them, transmitted by Mr. Hastings—his letters of the 22d of May and 16th of December, 1782, and Mr. Larkins' letter of the 5th of August, 1786, and by his manuscript Defence at the bar of the House of Commons. I do not trouble your Lordships at this period to refer you particularly to those papers. You will give me credit for asserting that in those papers these presents are completely proved by his direct avowal and admission of having accepted them.

Then, we prove a present of two lacs from Sadanund; and 7 JUNE 1780.
this we prove from Mr. Larkins' letter of the 5th of August, Two lacs from Sadanund.
 1786, and from Mr. Hastings' Defence at the bar of the House of Commons.

We also prove a sum, received from Kelloram, of two Presents from Kelloram and Nundulul.
lacs 21,000 rupees, and also a present received from Nundulul of 58,000 rupees, by Mr. Larkins' letter of the year 1786, by Mr. Hastings' letter of the 22nd of May, his Defence before the House of Commons, and his admission, **indeed** his Defence, before your Lordships.

And we prove a present of ten lacs of rupees from the Present from the Wazir.
Wazir, by his letter of the 20th of January, 1782, and his Defence in the House of Commons, and by Mr. Larkins' letter.

My Lords, I beg leave to state to your Lordships that, Admission of receipt by Mr. Hastings.
 from those documents to which I have alluded, the receipt of all these presents is completely proved, by that most complete of all proofs—the admission of the person to whose charge it is laid. It is completely proved by Mr. Hastings that he received all these sums I have stated; and, if I were to sit down at this moment and were not to offer a tittle of further proof upon this subject, I conceive that I have a complete right to insist upon your Lordships finding Mr. Hastings guilty of a misdemeanour, for having received presents contrary to the sense of the Act, contrary to the interpretation of the Act by the Directors, and contrary to his own sense of the just interpretation of that Act.

But, my Lords, in this instance I shall do as I did in the foregoing instance, I shall take the liberty of making some observations to your Lordships, in order to show you that these presents were not merely received in disobedience to the Act of Parliament, that they were not merely criminal in the way in which I have hitherto stated them to be criminal, but that they were corruptly taken, in the literal sense of the word—corrupt, and that they were taken in such a manner as clearly to prove to your Lordships the corrupt design he had in taking them. And, as a medium of such proof, I shall principally rely—though upon other circumstances also—upon the various accounts given of these presents by him, so contradictory in some instances, so vague in others, so tending to deceive almost in all, as could not be the account of a man who felt clear in his conscience, and who thought he had done no wrong by disobeying the law. The presents corruptly taken. Proof in his accounts of the presents.

7 JANUARY.

Mr. Hastings' letter from Patna, 20 January, 1782.

My Lords, the first document to which I think it necessary for your Lordships to advert is the letter from Patna of the 20th of January, and which I will read to your Lordships at length.

"Patna, 20th January, 1782.

"Honourable Sirs, while the Nabob Vizier was at Chunar, an offer of a very considerable sum of money was made to me, both on his part and on that of his ministers, as a present. I accepted it without hesitation and gladly, being entirely destitute both of means and credit, whether for your service or the relief of my own necessities. This donation was not made in specie but in bills, which have been in part only and tardily realized, being drawn on the house of Gopaul Dass, who was at the time a prisoner in the hands of Cheit Sing. The remainder is in course of payment, and I make no doubt of its being paid. What I have received has been laid out in the public service; the rest shall be applied to the same account. The nominal sum is ten lacs of rupees of the currency of Oude. As soon as the whole is completed I will transmit to you a faithful account of it, resigning the disposal of it entirely to the pleasure of your honorable court. If you shall adjudge the deposit to me I shall consider it as the most honorable approbation and reward of my labours, and I wish to owe my fortune to your bounty.

"I am now in the fiftieth year of my life. I have passed thirty-one years in the service of the Company, and the greatest part of that time in employments of the highest trust. My conscience allows me boldly to claim the merit of zeal and integrity; nor has fortune been ungrateful to their exertions. To these qualities I bound my pretensions. I shall not repine if you shall deem otherwise of my services; nor ought your decision, however it may disappoint my hope of a reward adequate to the consequence and elevation of the office which I now possess, to lessen my gratitude for having been so long permitted to hold it, since it has, at least, enabled me to lay up a provision with which I can be contented in a more humble station."

Conveys intelligence of the present from the Wazir.

Statement that the present was taken in bills not then wholly realized.

The greater part had been paid.

My Lords, you will observe that this letter of Mr. Hastings purports to give early intelligence with respect to the present which he has received from the Wazir, part of which, he says, he has appropriated to the Company's service, but which, in effect, he desires the Company to give to him. The first thing that will strike your Lordships upon this letter, if you have compared it with the evidence before you, is a very singular circumstance in it, which undoubtedly is literally true, but, if ever there was a literal truth which conveyed a substantial falsehood, it is that to which I allude. He says,—“This donation was not made in specie but in bills, which have been in part only and tardily realized.”—This letter is dated the 30th of January; this letter did not leave India till the month of February; and we have proved, that before the 20th of January, out of ten lacs, nine

and 60,000 rupees had been actually paid upon this pre-^{7 JUNE 1790.}
t. Now, undoubtedly, I cannot contend with the defendant
t ninety-six is not a part of a hundred; but I do not
eve that any man, meaning to give a fair account of any
reaction, ever stated it as an argument why a present
uld be given to him, that it was a matter of uncertain
ie, as if it was a doubt whether it would be realised
ause it was tardily realised, when it was realised in the
portion of ninety-six out of a hundred.

here are also, with regard to this letter, some circum-
ices upon which it may be worth while to observe. This
er was written, according to its date, at Patna, January
20th. It left Calcutta in February. It was not trans-
ted to the court of Directors by the usual channel, but
ugh his agent, Major Scott. Upon that, there did sug-
t itself to many persons some doubt whether Major
tt might not have had conditional directions to give it
ot, according as he should find the situation of things
England propitious or unpropitious to Mr. Hastings.
doubtedly, however, Major Scott has sworn, and we must
eve it, that he had no conditional orders upon that sub-
. But I make use of this argument to show that the
er was not sent away so soon as the 20th of January.
e probable reason of its being sent in that unusual and
gular way was, that it was sent after the despatches of

Circum-
stances of
transmis-
sion of the
letter
through
Major Scott.

Not sent so
early as the
20th of
January.

Company were made up, which were not made up till
siderably subsequent to this date,—till after Mr. Hastings'
val at Calcutta, which was, I believe, in February. In
letter, which we shall hereafter refer to, of May, 1782, he
s he had already informed the Company of this letter by
licate, and then encloses a triplicate.

We have had some examination, on a former day and on
day, whether any duplicate of this letter was ever received;
, I think, we have informed your Lordships that no dupli-
ever was received, except from Mr. Hastings' assertion.
o not mean to lay much stress on that circumstance, but
a singular circumstance that that duplicate never should
ive; and, if there could be any suspicion that there was
ie reason for sending this letter through the hands of
or Scott rather than in the usual channel, that suspicion
st be increased, when it appears there was no other copy
he letter sent by any other channel.

Assertion of
a duplicate
being sent.

None re-
ceived.

This letter having been read, I should like to state some
umstances relative to it, though they belong, undoubtedly,

2 J.C. 841790.

Statement
of promise
to give an
account.

to other letters. I wish your Lordships also to advert to the letter which has been read to you for another purpose, and that you will consider it separately from the other paper; and I question very much whether your Lordships will find therein a thing which has been stated to be thence frequently, but which I never could find,—I mean a promise of giving an account to the Company of all the moneys he had received privately. I do see a promise distinctly that he will give an account of the money paid by the Weir, whenever the payment of that has been completed; but I do not see anything which can be construed by inference to imply, either by the spirit or letter, a promise to give the Company an account of any other sums which he has received privately, or, indeed, to allude to any such sums in reality. Speaking of this letter, he says—as distinguishing from the other presents,—

“But when fortune threw a sum in my way of a magnitude [which could not be concealed, and the peculiar delicacy of my situation at the time in which I received it, made me more circumspect of appearance, I chose to apprise my employers of it, which I did hastily and generally: hastily, perhaps, to prevent the vigilance and activity of secret calumny; and generally, because I knew not the exact amount of the sum of which I was in the receipt, but not in the full possession. I proposed to acquaint them with the result so soon as I should be in possession of it; and, in the performance of my promise, I thought it consistent with it to add to the account all the former appropriations of the same kind; my good genius then suggesting to me, with a spirit of caution which might have spared me the trouble of this apology, had I universally attended to it, that if I had suppressed them, and they were afterwards known, I might be asked what were my motives for withholding part of these receipts from the knowledge of the court of Directors, and informing them of the rest.”*

Communication
to the
Directors to
prevent
calumny.Apology for
the account
being
general.

He states that he acquainted the court of Directors with this—as he says—“hastily, to prevent calumny.” I wish your Lordships would attend to that opinion of his upon this letter, in order to see whether he has in general pursued the mode of avoiding calumny, and whether he has thought it in general requisite hastily to give an account of any money which he has received. As for the other part for which he apologises, that the account is general, that is true; but perhaps it is less applicable to this account than any other, as it contains more particulars than most of them; and there is this particular circumstance attending it,—that, though he

* Extract from letter of Mr. Hastings to the chairman of the court of Directors, dated Cheltenham, 11th July, 1785.—Printed in the “*Minutes of the Evidence*,” p. 1151.

states it to have been received for the benefit of the Com- 7 JUNE 1790.
pany, he fairly confesses that the ultimate destination of it
is to himself, and requests them to adjudge it to him.

We have in full proof before your Lordships that, at the
tim of the treaty of Chunar,—at the time when this pre-
sent was made,—the Nawab was in circumstances of distress,
which Mr. Hastings has stated in strong terms. This was in
evidence to your Lordships upon the second charge of this
impeachment. And is it possible, and can it be conceived,
that he who takes a sum of ten lacs from a prince actually in
the greatest distress possible,—a distress which he conceives
to be sufficient to justify him in plundering his nearest rela-
tions,—a distress which he conceives to be sufficient to
justify the resumption of all the jagirs he had ever granted,
and the plundering of all the treasures of the zanana of his
mother,—could Mr. Hastings innocently—could he, without
a guilt which requires no aggravation whatever, take a pre-
sent of 100,000*l.* from a person so distressed, not for the
Company's benefit but for his own benefit, intended for his
own benefit by himself, for he does expressly desire that the
deposit may be adjudged to him? Then the plundering of
the Begums! the resumption of the jagirs! all the diffi-
culties in which the Nawab was placed, all the dangerous
experiments to which he was reduced! If the Company
had done as Mr. Hastings desires and adjudged the deposit
to him, as far as 100,000*l.* went, all these enormities would
be committed, not to fill the treasury of the Company, but
to fill the pocket of the defendant; and then it would have
appeared clear, if the Company had granted it him,—which,
undoubtedly, is clear for the purpose of crimination at this
moment,—that all those violences which are stated in the
second charge were all for the benefit of the criminal at
your bar; that all the enormities proceeding from those
violences, and those acts which were settled at the treaty of
Chunar, were, as far as 100,000*l.* goes, for the purpose of
enriching an individual, and not for discharging the debts of
the Nawab due to the Company.

I stated this present first, partly on account of its magni-
tude, and partly on account of its dissimilitude in many other
respects from the others: it will be impossible for me to
avoid alluding to it in the detail of the other presents. I
will now read to your Lordships the first letter which
Mr. Hastings ever wrote upon the subject of these sorts of
presents and of this species of resource. There is much in

The Nawab
in distress
at the time
of the pre-
sent.

His re-
sumption of
the jagirs to
meet his
difficulties.

Mr. Hast-
ings' expec-
tation of
retaining
the present.

Letter of
Mr. Hast-
ings on the
subject of
the pre-
sents, 29th
Nov. 1790.

7 JUNE 1796. the letter which is not to the immediate subject, and that I shall skip in reading it. I hope your Lordships will give me credit that I do not omit anything which would be material in any way to invalidate what I state:—

* " Fort William, 29th November, 1781.

His offer of
a loan to the
Council.

" Honorable Sirs,—You will be informed by our consultation of the 16th of June, of a very unusual tender which was made by me to the Board, on that day, for the purpose of indemnifying the Company for the extraordinary expence which might be incurred by supplying the detachment under the command of Major Camac in the invasion of the Mahratta dominions, which lay beyond the district of Gohud."

Then there comes something political; upon that subject he says—

" The subject is now become obsolete, and all the fair hopes which I had built upon the prosecution of the Mahratta war,—of its termination in a speedy, honorable, and advantageous peace, have been blasted,"—and so on.—" My present reason for reverting to my own conduct on the occasion which I have mentioned, is to obviate the false conclusions or purposed misrepresentations which may be made of it, either as an artifice of ostentation or as the effect of corrupt influence, by assuring you that the money, by whatever means it came into your possession, was not my own; that I had, myself, no right to it; nor would nor could have received it, but for the occasion which prompted me to avail myself of the accidental means, which were at that instant afforded me, of accepting and converting it to the property and use of the Company. And with this brief apology I shall dismiss the subject."

His intention
to
obviate mis-
representations.

I mention this by the way, as a particular instance of that perverse, or rather inverted, mode of reasoning in which the defendant has differed, I believe, from any other person who ever wrote or who ever reasoned upon similar subjects. " My present reason for reverting to my own conduct on the occasion which I have mentioned, is to obviate the false conclusions or purposed misrepresentations which may be made of it, either as an artifice of ostentation or as the effect of corrupt influence!" How was he to obviate this? I should conceive the only means of obviating this would have been by maintaining that it was not ostentatious but was true; that it was not the effect of a corrupt present but that it was his own money; but he thinks he obviates all these "false conclusions and purposed misrepresentations," by assuring them that the money, by whatever means it came into their possession, was not his own; that he had no right to it, nor would nor could have received it, but for the occasion which prompted him to avail himself of the

Admission
that the
money was
not his own.

* The letter is printed in the " Minutes of the Evidence," p. 1103.

accidental means, which were at that instant afforded him, 7 JUNE 1790. of accepting and converting it to the property and use of the Company. "And," he says, "with this brief apology I shall dismiss the subject."

Mr. Hastings, upon a doubt whether a sum of money should be appropriated to a particular service, states to the Board, as he says, not ostentatiously at all—"if the expense deters you, then I will defray it out of my own pocket." How does he intend to defray it? By money which he receives corruptly, contrary to the Act of Parliament. It then occurs to him that this may be misrepresented against him. How? He says, it may be stated as "an artifice of ostentation." It was an artifice of ostentation; for if I know what can be described to be an artifice of ostentation, it is to pretend to do that generously, magnanimously and liberally, out of my own pocket, which I do out of the pockets of others, and which contains no magnanimity, generosity or liberality, at all. Disclaims ostentation.

"To obviate the false conclusions or purposed misrepresentations which may be made of it, either as an artifice of ostentation or as the effect of corrupt influence. I now tell you, to guard against these corrupt misrepresentations,"—what?—"that both these are true representations; that it was an artifice of ostentation and corruption; for it is money I have received and which I have no right to, for it is your money and not mine!" By this he completely avows the acceptance of this present, and states it to the Directors, as he says, for the purpose of repelling misrepresentations which are thereby proved to be true representations; and, for disclaiming all ostentation, he makes this pompous declaration, which is the greatest ostentation that any man ever was guilty of. Avowal of acceptance of the present.

"Something of affinity to this anecdote may appear in the first aspect of another transaction, which I shall proceed to relate, and of which it is more particularly my duty to inform you." His reference to another transaction.

I beg to pause here for a moment. What does he mean by "something of affinity to this anecdote may appear"? Is it not, in the common sense of the word, thus to be construed?—"I now proceed to a transaction in which, in some circumstances, you may see an affinity to this, but which is in reality unlike it." Is not that the fair meaning and the fair interpretation of these words? I will take that for a moment to be the interpretation of these words; I will afterwards go into the supposition of their bearing another interpretation.

7. 40000000.

This interpretation of the words is justified by the subsequent part of the letter—"something of affinity to the anecdote may appear in the first aspect of another transaction, which I shall proceed to relate, and of which it is more immediately my duty to inform you." Then he mentions that he has been very desirous of giving some assistance to Moodaji Boosla and Chinnaji Boosla; he states the service which Moodaji Boosla had been of and might be of to the Company, and that it might be fit to give him some succour. He says,—

Anecdote to the minister of Berar.

"We had neither money to spare, nor, in the apparent state of that government in its relation to ours, would it have been either prudent or consistent with our public credit to have afforded it. It was, nevertheless, my decided opinion that some aid should be given, not less as a necessary relief than as an indication of confidence and a return for the many instances of substantial kindness which we had, within the course of the last two years, experienced from the government of Berar. I had an assurance that such a proposal would receive the acquiescence of the Board; but I knew that it would not pass without opposition, and I would have become public, which might have defeated its purpose. Convinced of the necessity of the expedient, and assured of the liberality of the government of Berar from evidences of stronger proof to me than I could make them appear to the other members of the Board, I resolved to adopt it and take the entire responsibility of it upon myself. In this mode a less considerable sum would suffice. I accordingly caused three lacs of rupees to be delivered to the minister of the Rajah of Berar resident in Calcutta."

Three lacs given to the Raja of Berar's minister.

This, he says, may bear some affinity to the money which he offered on his own account in the summer. He says that he ordered three lacs of rupees to be given:—

Two thirds raised by his own credit.

"Two thirds of this sum I have raised by my own credit, and shall charge it in my official accounts; the other third I have supplied from the cash in my hands belonging to the Honourable Company. I have given due notice to Moodajee Boosla of this transaction."

Comparison of the two statements.

Now, you will please to observe the statement of the first and the statement of this second, which "bears an affinity" to it. In the first he states,— "I did receive money which was not my own. I pretended that it was my own, but beg you will not consider that as an artifice of ostentation, for it was not my own, and I will some time or other pay it you." Observe, he does not tell the Company from whom he received it, the date of his receiving it, nor any circumstance that will give them a means of checking the truth of his assertion. "Now," he says, "here is a circumstance that bears some affinity to it: I gave three lacs upon another service; but, though it bears an affinity, yet there is a

Summe as to whom the sum was received from. Statement of the second transaction.

substantial difference; for, of this, two thirds were raised ^{7 JUNE 1709.} upon my own credit, and one third was cash of the Company's in my hands. Now, if there can be any sense to be drawn from these words, and if you can allow anything to be inferred from the contents of my letter, and from the different parts of it compared together, you must infer from this that this money was yours, though I pretended it was mine. Something of affinity may appear in another transaction, which I therefore will give you an account of; that is to say, I will tell you of the other transaction, that that, in point of fact, was my own money: and I do it because there was no apparent affinity; for, if I had not explained this to you, and you had heard I supplied Colonel Camac with a sum of money, and it turned out not to be my own but yours, when I sent a sum to Chinnagi Boosla you would think it also your money and not my own; therefore I tell you that these two thirds I raised upon my own credit, and one third only as yours."

Now, before we go into other business, it will be material to state the event of these two sums of money, the greater of which he states to be his own, and the smaller belonging to the Company; because, acquainted as your Lordships all are with the character and conduct of Mr. Hastings,—acquainted with all the various eccentricities belonging to it,—I believe you will think that the end of this business is more extraordinary, more whimsical and fanciful, if I may be allowed to use such an expression upon such an occasion, than, possibly, any persons can conceive who have not heard the precise evidence. He says,—“two thirds are my own, one third is the Company's.” What do you think is the present state of these two sums? The present state is, that Mr. Hastings has confessed that these two thirds, which he said were raised upon his credit, are not his but the Company's, and accordingly he paid them to the Company; and that the one third, that he said was the Company's, was his own, and he took a bond from the Company for it. That is the precise state of the case which we have proved upon this occasion, and of which I shall point out the proof.

State of the case respecting the two sums.

Confession of Mr. Hastings that the two thirds belonged to the Company, and the one third to himself.

Of these sums and of these notes we find no other mention till his letter of May 1782; upon which, and upon the date of which, it is necessary for me to make one or two observations. Mr. Hastings, in January, 1782, had stated he was present from the Wazir, of which he promised, when completed, to give a more detailed account. By Mr.

His letter of May, 1782.

7 JUNE 1796.

Omission of
promised
account re-
specting the
present from the
Witness.

Larkins' letter of the 5th of August 1786, it appears that this promise, which Mr. Hastings had given, of explaining more particularly this 100,000*l.*, had entirely escaped his memory. There is something in Mr. Hastings, upon all subjects of money, so peculiarly magnificent, that I am never surprised at anything escaping his memory upon that subject. But the most remarkable part of this transaction, when you compare his letters, is that, even supposing it to be his object never to state one article right, never to give two accounts alike, one may be rather surprised at the exactness of his memory upon the subject. But Mr. Larkins says—page 1153 of the printed Minutes,—

Mr. Larkins'
evidence.

"Mr. Hastings returned from Benares to Calcutta on the 5th of February, 1782. At that time I was wholly ignorant of the letter which, on the 30th January, he wrote from Patna to the secret committee of the honorable court of Directors. The rough draft of this letter, in the handwriting of Major Palmer, is now in my possession. Soon after his arrival at the Presidency, he requested me to form the account of his receipts and disbursements, which you will find journalized in the 26th and 307th pages of the Honourable Company's general books of the year 1781-2. My official situation as accountant-general had previously convinced me that Mr. Hastings could not have made the issues, which were acknowledged as received from him by the accounts of some of the paymasters, to the army, unless he had obtained some such supply as that which he afterwards,—viz., on the 22d May, 1784, made known to me; when I immediately suggested to him the necessity of his transmitting that account which accompanied his letter of that date; till when, the promise contained in his letter of the 30th January had entirely escaped his recollection."*

Mr. Larkins immediately suggested to him that it would have been as well if he had sent the account which he had promised: and Mr. Larkins does not use such an expression himself, but Mr. Hastings, somewhere else, says—that his good genius suggested to him to accompany that promise with something else which was part of the spirit of it,—that is, he says, to give an account of all the other sums of money which he had ever received on his own account, and which he had afterwards made over to the public. In his letter of the 22d of May 1782, he states the dates of the bonds.

It has appeared in evidence before your Lordships that, in the interim between the letter which I read, of November, and the letter which I have been now stating to your Lordships, this had happened,—that Mr. Hastings stated to the

* Extract of letter of Mr. Larkins to the chairman of the court of Directors, dated 5th August, 1786,—Printed in the "Minutes of the Evidence," p. 1153.

Board that he had given the Company such sums of money, and desired bonds for them. Two of those bonds are described here, one for one lac 16,000 [rupees], the other for one lac 16,000 [rupees], and the numbers here described are 1570 and 1539. There was another number, 89, for, I believe, one lac or thereabouts, which Mr. Larkins tells you, in his letter afterwards, has been completely liquidated,—paid to Mr. Hastings and his agents; and for which Mr. Hastings has never accounted to the Company.

7 JUNE 1700.
Bonds desired of the Company for sums given them.

With regard to these two bonds, they certainly tally; and, as they are stated to be so in Mr. Larkins' letter, I suppose and believe them to be these two sums, amounting to two lacs, which he says he borrowed upon his own credit. He now took bonds for them of the Company, which bonds he cancelled, and upon the cancelling of which I shall have something to say, by and by.

Two of the bonds cancelled.

The third, which he confessed was originally the Company's money, and for which he took a bond, number 89, he makes no mention of in any letter, nor do we ever hear of it again but in Mr. Larkins' letter of the 6th August, 1786, in which he says distinctly that that bond, No. 89, was completely liquidated in the terms of that loan, and liquidated to Mr. Hastings. Therefore I have completely shown to your Lordships the documents from which you can understand that which I stated to be so whimsical an end of this business. After saying that the two sums for which he took bonds were his own property and the third theirs, it has ended that the two which he declared to be his own property were theirs, and his paying them those two; and never giving any account of the third which he confessed to belong to them.

The third bond liquidated.

With regard to this letter of 1782, in which this account of these bonds came, it is liable to many observations. First, as to the date of this letter. It was written in May 1782; it did not leave Calcutta till the 16th of December of the same year. Mr. Hastings thinks the date is liable to so many objections, that Mr. Larkins makes an affidavit, by which he states that the letter was written at the time at which it purports to be written, and that it has been unopened ever since. I cannot help observing upon this affidavit and upon the probability of its being the truth. Why does Mr. Hastings care whether his letter was written on the 22d of May, or on the 16th of December? The reason he gives is this—because he was afraid lest these discoveries

The letter of May, 1782, not despatched till the 16th of December.

Affidavit of Mr. Larkins.

Motive of Mr. Hastings for wishing it to be so.

7 JUNE 1780.

Heard it was
written in
the 22nd of
May.

His fear of a
minute in-
vestigation
into his con-
duct.

should be supposed to be in consequence of what happened in Great Britain at that time. There certainly did happen material events in Great Britain at the time he speaks of. There were changes in administration, and a variety of circumstances which might lead Mr. Hastings to think that there would be a more minute investigation into his conduct. His stating this circumstance in the way he states it,—his stating the fears lest it should be supposed that his letter was written in consequence of that change,—is such a tribute of applause to the administration which his Majesty took to his government in the spring of 1782, that it would be very unfit for me, who formed a part of that administration, to make any comment upon it, but this,—namely, that Mr. Hastings thinks it very important for his honour that it should be understood that he had written all this disavowal before he had any notice of the change in administration which happened in England at that period. How does he support all this? Larkins swears that this letter was written on the 22d of May, 1782. The ship by which it was to come, it seems, did not sail; but it is proved completely by Larkins that there was another ship, called the Resolution, which did sail with despatches and was actually put back, and that the letter might have gone by her. If Mr. Hastings thought it material that an account of his conduct should have come speedily, he might have taken the advantage of sending by that ship.

But it may be said that Mr. Hastings, not knowing of these changes in Great Britain, and knowing of the resolution of the House of Commons against him which passed in the spring of 1782, did not see at that time any urgency for sending this letter. But he did see the urgency, because, respecting a letter from Patna three months prior, he says,—“I wrote that letter hastily, for fear of calumny.” Therefore that fear of calumny, which impelled Mr. Hastings to give that hasty account of the bribe from the Wazir, ought to have operated to have induced him, not only to write the letter of the 22nd May, which his good genius Larkins suggested to him, but to send it at the time it was written, and not at a subsequent period. However, he sends this letter on the 16th of December, accompanied with another of the same date, the 16th of December; and in that letter he states these bonds in the way I have mentioned, making no mention of the third, but introducing into its room another bond of one ha-

Letter of
the 16th
December,
1782.

Mention of
a bond dif-
ferent from

00 rupees, which does not tally with the sum which he d to be of the Company's in his hands, and which does tally with any other account upon the occasion, nor with bond which he took in January, nor with the number, g 1,300 and odd. instead of 800 and odd, and being for sum of one lac 74,000 rupees, instead of for one lac.

7 JUNE 1790.
the third
bond.

With respect to the dates of these letters, there are some r very peculiar facts, which are very well worth your ships' consideration. This letter is written, as Mr. sins swears and as Mr. Hastings says, on the 22d of , 1782. It does not leave Calcutta till the 16th of ember; but its contents are worth attention. The letter ends contains this,—

Dates of the
letters.

An account of sums received by the Honourable Company, or paid e treasury by their order. The following sums were paid into the ury, and bonds granted for the same in the name of the Governor al, in whose possession the bonds remain, with a declaration upon , indorsed and signed by him, that he has no claim upon the Com- for the amount either of principal or interest, no part of the latter g been received."

o that you are to understand that this account, which made up on the 22d of May, 1782, contains this ence—namely, that these bonds are indorsed in the uer which I have stated them to be indorsed. If the g had remained there, it might be exceedingly difficult is to prove to any certainty whether these bonds were rsed at the time he states them or not; but, fortunately is and fortunately for this cause, the bonds are now in ence before your Lordships; and it will be material for e Lordships, in this part of the business, to consider all Mr. Hastings has said upon the subject of the bonds.

Indorse-
ment of the
bonds.

irst of all, he takes bonds—upon what ground of pro- ty I cannot conceive—for money that was not his own. keeps these bonds for a considerable time, according to onfession, as his property. He exercises various acts of onership concerning them, though nothing can be a stronger f ownership than taking the bonds themselves. How- , speaking of this in his letter from Cheltenham, he ,—

It being my wish to clear up every doubt upon this transaction, a either my own mind could suggest or which may have been sug- d by others, I beg leave to suppose another question and to state rms of it in my reply, by informing you that the indorsement on onds was made about the period of my leaving the Presidency, e middle of the year 1781, in order to guard against their becoming

7 JUNE 1780. a claim on the Company, as part of my estate, in the event of my death occurring in the course of the service on which I was then entering."

His assertion that the indorsement was made in the summer of 1781.

Here Mr. Hastings declares positively that these bonds were indorsed in the course of the summer of 1781; and he does not speak of it as a kind of date which any man may forget. A man may say,—“I thought it was in the summer,” when it was in the winter, and—“I thought it was in 1781,” when it was in 1782; and much greater mistakes happen in Mr. Hastings’ accounts. But he says,—“It was in the summer of 1781, and I indorsed them in the summer of 1781, upon this ground, because I was going to Benares upon, what I thought, a service of some danger; and, therefore, I indorsed them that they might not be claimed as a part of my estate in the event of my death.” He, therefore, fixes the date to be in the summer of 1781; and fixes it, not by the mere memory of a date, but by that which has made it permanent in his mind,—namely, by the consideration of the journey to Benares, with the consideration of his indorsing it at the same time. He says precisely the same thing in his Defence in the House of Commons. It so far tallies with his letter of the 22nd of May; for in that letter he says—“these bonds were so indorsed;”—but he does not mention the period at which that indorsement took place.

Thus we stood at the time we preferred this impeachment against Mr. Hastings; and having, abundantly, other means of proving the falsehood of his accounts upon this subject, we were not much dismayed by having no direct means of proving the falsehood of his assertion respecting these bonds. Fortunately, since that time, these bonds have come over and are in the possession of your Lordships. There was some examination by Counsel in order to show that these bonds were sent over, not at our desire, but at the desire of Major Scott, who had been formerly Mr. Hastings’ agent; and that undoubtedly was completely proved. But will your Lordships think that an article of evidence is to prove less against Mr. Hastings because he happened to be the means of that evidence appearing? I am afraid that, if your Lordships would cut us off, during all these proceedings, from every sort of evidence which has come, in some shape, from the conduct of Mr. Hastings, I should find it difficult to convince your Lordships of his guilt. But there has been mixed with all his guilt—as by the providence of God is intermixed with the guilt of men—such a measure of confusion, contradiction, and want of judgment, as enables

to prove that guilt upon him which we were unable else to prove. These bonds, which Mr. Hastings says, in the letter he dates the 22nd of May, 1782, were indorsed, not only before that period, but previous to his expedition to Benares on a service of danger—these bonds are upon your Lordships' table—indorsed, indeed, but bearing upon their indorsement the date, the 29th of May, 1782—Actual date of indorsement the 29th of May, 1782. a week subsequent to the time at which Mr. Hastings dates his letter and at which Mr. Larkins swears it was sealed—JUNE 1780. but twelve months after the time when Mr. Hastings says that he is sure he did indorse them, from his attention to the interests of the Company. These bonds need no more additional testimony: but if they wanted it they have it; Mr. Larkins makes, also, an affidavit that he had the bonds in his possession till the 29th of May, upon which day he delivered them to Mr. Hastings, who, on that day did not before, indorse them as they are now indorsed. I, therefore, I am to believe Mr. Larkins' two affidavits, I am to believe this,—that Mr. Larkins did go to Mr. Hastings on the 16th of May, that he suggested to him the propriety of keeping his promise with regard to the present to the Wazir, and suggested the propriety of adding to the promise a specification of other sums; that he suggested the date of that letter; yet, he says, they are bonds indorsed, Mr. Larkins knowing that Mr. Hastings had them not in his possession, but that they were in his own possession unindorsed, and, in fact, bringing them to Mr. Hastings at a subsequent period for that indorsement.

All that I can say is that Mr. Larkins, who in some instances interposed to Mr. Hastings as his good genius, and who interposed to remind him of his promise to the directors respecting the present from the Wazir,—Mr. Larkins might, when copying a letter of Mr. Hastings in which he was stating certain bonds to be indorsed,—he might have said—"Sir, I will copy your letter if you please, but I am writing that you have bonds indorsed which are in my possession and are not indorsed;"—he might have taken the liberty to suggest to him that all that he was writing was without a colour of truth, and that he was adding a new imposition upon the Company in all the facts which he was pretending to put in a clear light.

Now your Lordships will naturally ask why Mr. Hastings took these bonds at all. I will tell you why, I think, he took them; and then I will contrast my opinion with the

Reasons for taking the bonds.

7 JUNE 1790. REASONS Mr. Hastings has given, and your Lordships shall judge which is the more reasonable and probable opinion of the two. I state that he took the bonds for the money for the same reason which any man takes bonds for money which he conceives to be his own property; that he took the bonds in order that the Company should pay him the interest for those bonds, and the principal when it became due; that he took the bonds for the same reason as your Lordships would, if you lent them money,—for the purpose of receiving the interest and the principal. This is my account; this is the plain account of these bonds. I do admit that this is not the account Mr. Hastings gives of these bonds, and it may be material for your Lordships to see what that account is.

Mr. Hastings' explanation.

Mr. Hastings says,—“Why these sums were taken by me—why they were, except the second, quietly transferred to the Company's use:”—some glossary is sometimes necessary upon these subjects: by “quietly” he means secretly, the rest being more secretly transferred than this one, the transfer of which he had published sometime before:—“why bonds were taken for the first and not for the rest, might were this matter to be exposed to the view of the public, furnish a variety of conjectures to which it would be of little use to reply.” There he recurs to his old answer. When Nundcomar accused him, and when the majority of the Council thought it fit to inquire into the fact, whether he had received the bribes or no, he said the deputation of Mr. Goring was unnecessary. Now, when he thinks a question will be asked him which is pretty obvious and which, undoubtedly, must be asked him—what were his reasons for taking bonds?—he says—“this question might furnish a variety of conjectures to which it would be of little use to reply.” Does Mr. Hastings mean to laugh at the world at once, and to say that he is in a situation in which he may treat them with that contempt in which persons in power, in countries where power is every thing, may treat the inquiries of those who have none? But if Mr. Hastings acts to us as from an equal to an equal, I should be glad to know whether there can be any conjecture which demands a more serious reply than questions founded upon so extraordinary an occasion—why a man assumes that to be his property which is not?—and why he takes a bond for that property which he confesses, ultimately, not to be his own, and which he means to take no advantage of? He says:—“Why bonds were

taken for the first and not for the rest might, were this 7 JUNE 1790.
 matter to be exposed to the view of the public, furnish a
 variety of conjectures to which it would be of little use to
 reply; but if your honourable court were to question me"—
 "I would give an account of them":—that is what you
 naturally would expect to be the conclusion from such a
 beginning.

"Were your honourable court to question me upon these points, I The sums taken for the Company's use.
 would answer, that the sums were taken for the Company's benefit at
 times in which the Company very much needed them; that I either chose
 to conceal the first receipts from public curiosity by receiving bonds for
 the amount, or, possibly, acted without any studied design which my
 memory could at this distance of time verify, and that I did not think it
 worth my care to observe the same means with the rest. I trust,
 honourable sirs, to your breasts for a candid interpretation of my actions,
 and assume the freedom to add that I think myself, on such a subject, on
 such an occasion, intitled to it."

Now, those who are intitled to a candid interpretation
 ought to make out their title at least by open, by fair, deal-
 ing, and by candid answers. What are his answers to the
 vain conjectures of the world? "They are not worth a reply;
 but if your honourable court were to question me, to you I
 will answer—that I have no reasons which I do recollect."
 I really think he has put the honourable court upon a par with
 us and the rest of the world; and the difference between
 making no reply and reasons which he cannot recollect does
 not make such a distinction between his honourable masters
 and the rest of the world as need excite any degree of envy
 in us, or any degree of pride in them, for the honour of their
 situation. That he acted without any studied design—It is Fraud in taking bonds for money belonging to the Company.
 impossible to dwell upon this; it is so self-evident from its
 first appearance that he cannot be a just man,—he cannot be
 a man acting fairly,—who tells you he had no direct design in
 an act of fraud in taking bonds from the Company for money
 which was not his own but the Company's; for even, accord-
 ing to his own showing, if he had died before or during his
 expedition to Benares, his executors would have been
 intitled to these bonds. According to our showing they
 would after that, because they never were indorsed in the
 way he states till long after that expedition.

I think I have shown to your Lordships that the mode in Intention to hold the bonds for himself.
 which he took the bonds for these sums was such that he
 might keep them for himself, if he pleased; and that conse-
 quently the Company's right, if they did belong to the
 Company, depended afterwards upon his good will, and that

7 JUNE 1798. they were in a situation in which he ought not to have placed them. I shall prove that by his own letter of the 16th of December.* He says,—

Letter of
the 16th of
December.

"The despatch of the 'Lively' having been protracted by various causes from time to time, the accompanying address, which was originally designed and prepared for that despatch, no other conveyance was occurring,"—which is not true—"has, of course, been thus long detained."

He goes on concerning the delay of that letter, which he says is unfortunate for him, but then he says,—

"The sources from which these reliefs to the public service have now would never have yielded them to the Company publicly."

That is an observation very well worth your Lordships' attention—

"And the exigencies of your service—exigencies created by the expedition of your affairs, and faction in your councils—required these supplies. I could have concealed them, had I had a wrong motive, from yours and the public eye for ever."

He could have concealed them—he admits it; but you would think he could not then conceal them—

"And I know that the difficulties to which a spirit of injustice may subject me, for my candour and avowal, are greater than any possible inconvenience that could have attended the concealment, except the dissatisfaction of my own mind. These difficulties are but a few of those which I have suffered in your service. The applause of my own breast is my surest reward, and was the support of my mind in meeting them. Your applause, and that of my country, are my next wish in life."

That sentence applies to make a merit of having owned them, for he says that he "could have concealed them." But there is another sentence in the letter which implies that he could still conceal them—

"If I had at any time possessed that degree of confidence from my immediate employers, which they never withheld from the ministers of my predecessors, I should have disdained to use these attentions. How I have drawn on me a different treatment I know not; it is sufficient that I have not merited it; and in the course of a service of thirty-two years,—and ten of these employed in maintaining the powers and discharging the duties of the first officer of the British government in India,—that honourable court ought to know whether I possess the integrity and honour which are the first requisites of such a station. If I wanted these, they have afforded me but too powerful incentives to suppress the information which I now convey to them through you."

* Printed in the "Minutes of the Evidence," p. 111A.

ropriate to my own use the sums which I have already passed
 dit, by the unworthy and, pardon me if I add, dangerous
 which they have passed upon me for the first communication
 d; and your own experience will suggest to you that there
 who would profit by such a warning.”

7 JUNE 1780.

lludes to letters which he received between the
 lay and the 16th of December, from the court of
 , in answer to what he had stated about the money
 for the purpose of sending it to Chinnagi Boosla and
 Camac's detachment. Your Lordships will observe
 , he says—"You have furnished me with a pretence
 ur experience will see other persons will make use
 our reflections are not only unjust but dangerous,
 ght, if so inclined, now withhold that information
 now convey to you; it is still in my power."

ls, on the 16th of December, he states that it was
 is power to withhold from the Directors and the
 r all this money which he had received, though he
 ended in a variety of instances—and that he must
 in order to plead any sort of justification—that he
 passed it over to them long before that period. By

His asser-
 tion that, on
 the 16th
 Dec., it was
 still in his
 power to
 withhold
 the money
 from the
 Company.

the bonds, by crediting the Company, and by a
 f different means, as stated in his Defence, he has
 in a situation that the Company can be no losers
 o gainer; yet he now states that, in spite of all the
 in which he has entered these sums, he might at
 ent, if he so chose, withhold the receipt of them

Company and keep them for ever to himself. I
 in order to show that none of the means which he
 r pretended to take, in order to insure this to the
 r, were of any use, but that it was in his power at
 , the 16th December, to withhold all knowledge of
 the court of Directors, and to keep the money in
 possession. Your Lordships have heard one of his

I now wish you to hear another of his reasons
 subject :—

ny motives for withholding the several receipts from the know-
 ie Council."—this is partly in answer to some questions which
 out to him by the Directors—"or of the court of Directors,
 taking bonds for part of these sums, and paying others into
 y as deposits on my own account, I have generally accounted

Further mo-
 tives as-
 signed for
 withholding
 the receipts
 from the
 knowledge

nd the following passages are extracted from Mr. Hastings' letter
 rman of the court of Directors, dated Cheltenham, 11th July, 1785.
 n the "Minutes of the Evidence," p. 1152.

7 JUNE 1780. in my letter to the honourable the court of Directors of the 22^d of May 1780,—"—
of the Directors.

Your Lordships will observe that he seems to consider here as if the only inquiry from the Directors was, why he treated these sums differently,—why he had taken bonds for some and paid others into the treasury as deposits ;—whereas I conceive the gist of their inquiry to be, why he had taken any security or any sums at all :—

"namely, that I either chose to conceal the first receipts from public curiosity by receiving bonds for the amount, or, possibly, acted without any studied design which my memory at that distance of time could verify, and that I did not think it worth my care to observe the same means with the rest."

That is his old answer.

"It will not be expected that I should be able to give a more exact explanation of my intentions after a lapse of three years, having declared at the time that many particulars had escaped my remembrance; neither shall I attempt to add more than the clearer affirmation of the facts implied in that report of them, and such inferences as, necessarily or with a strong probability, follow them."

"I have said that the three first sums of the account were paid into the Company's treasury without passing through my hands. The second of these was forced into notice by its destination, and application to the expense of a detachment which was formed and employed against Mahdajee Scindia, under the command of Lieutenant-Colonel Cawse, as I particularly apprised the court of Directors, in my letter of the 26th December 1780. The other two were certainly not intended, when I received them, to be made public, though intended for public service, and actually applied to it. The exigencies of the Government were at that time my own, and every pressure upon it rested with its full weight upon my mind. Whenever I could find allowable means of relieving those wants, I eagerly seized them; but neither could it occur to me as necessary, to state on our proceedings every little aid which I could thus procure; nor do I know how I could have stated it without appearing to court favour by an ostentation which I disdained, nor without the chance of exciting the jealousy of my colleagues by the ostentatious assertion of a separate and unparticipated merit, derived from the influence of my station, to which they might have laid an equal claim."

I must stop upon this passage to make one single observation. He says, it was not worth while to tell them of all the petty resources which he employed for their benefit. You will recollect that, with regard to one of these resources, he did precisely tell them of it, for he said he had raised it upon his own security, whereas he accepted it from Dinanapore, and, in point of fact, it belonged to them. He did think it worth while to tell them of it, but not to tell them the truth: he told them a false account of it. Now why it could be worth while to tell them an account which was not

the truth, I leave it to his Counsel to reconcile, when they 7 JUNE 1790.
come to make his defence.

"Nor do I know how I could have stated it without appearing to
art favour by an ostentation which I disdained,"

I wish your Lordships to attend to this part of the reason-
g,—“if I had told you that this Dinagapore money was
ours and I had taken it for the purpose of serving you, I
could be liable to the charge of ostentation. In order to
oid that I tell you it was my money which I applied to the
ervice. If I had told you it was yours, I should be consid-
red as an ostentatious person, who was always raising
onies for the Company which no other person could do.”
at he does not consider the other ostentation, which he
lls into a little before, about the other two lacs which he
sted as his own. But, of all the ideas I ever heard of, the
ost extraordinary one is, that it was given to obviate all
ossible idea of ostentation of any kind. There was another
ing which he was afraid of besides ostentation, but as that
expressed in language peculiarly his own I am not quite
re that I comprehend it—

“nor without the chance of exciting the jealousy of my colleagues, by
constructive assertion of a separate and unparticipated merit, derived
in the influence of my station, to which they might have laid an equal
im.”

I do not understand perfectly what his apprehension upon
is subject is. He says he was afraid of the jealousy of his
lleagues. It seems something like the other apprehension
ostentation. He was afraid his colleagues should be
alous that he had such superior merits to which they should
y claim. If he means they might be jealous he did not
his duty, I can comprehend that; or that he received
oney which they did not, I can comprehend that; but
ither of these seems to be the sense, and I must leave that
your Lordships to understand as well as you can.

Pretended
fear of
exciting the
jealousy of
his col-
leagues.

“I should have deemed it particularly dishonourable to receive, for my
n use, money tendered by men of a certain class, from whom I had
erdicted the receipt of presents to my inferiors, and bound them by
th not to receive them; I was, therefore, more than ordinarily cautious
avoid the suspicion of it, which would scarcely have failed to light
on me had I suffered the money to be brought directly to my own
use, or to that of any person known to be in trust for me. For these
sons I caused it to be transported immediately to the treasury.”

Desire to
avoid suspi-
cion of
taking pre-
sents.

If one were to read this answer alone, one should think
at the accusation against him by the court of Directors
us—that he had given them some money which belonged

7 JUNE 1796. to him; for he only defends himself for carrying it to their treasury, and not for the part which he ought to have defended—for having taken notes or bonds for their money which he ought not to have taken at all. Here comes one noble sentiment of mind:—"I should have deemed it dishonourable to accept money from farmers or other persons concerned in the revenue, therefore I was particularly cautious"—to do what?—one would think a man of honour should say—"particularly cautious to accept no sums from any such persons"—No! "I was particularly cautious to avoid the suspicion of it, and therefore, though that money I did take for my own purpose, I ordered the money to be carried to the treasury to avoid the suspicion of it." What he was led to do was, not to refuse the money which he ought to have refused, but to take care that, though he took a bond for it, yet to carry it to the Company's treasury in such a manner that it should not appear to the public eye that he had any connection with it whatever.

"There I well knew that it could not be received"—

Upon my word, there is not one line in this letter which is not so material that I am forced to dwell upon almost all as I go—

The money entered as a loan to the Company or a deposit.

"There I well knew it could not be received without being passed by some credit, and this could only be done by entering it as a loan or a deposit."

Here he lays down a maxim, that whatever money he has taken privately and appropriated to the public use can only be so disposed of if it is given to the public treasury by means of a loan or a deposit; and yet, when we charge him with money taken from Kelleraam particularly, --with money taken from Nundulul—with money taken from Nuddea,—he says that money has been credited to the public, but not credited by the means of a loan or a deposit. So that neither of these two, which he says are the only possible means by which money can be credited, he admits were taken, and, therefore, allows us to suppose that they never were credited to the Company.

Motives for entering the second sum as a deposit.

"The first was the least liable to reflection, and therefore I had obviously recourse to it. Why the second sum was entered as a deposit I am utterly ignorant. Possibly, it was done without any special direction from me; possibly, because it was the simplest mode of entry and therefore preferred, as the transaction itself did not require concealment, having been already avowed. Although I am firmly persuaded that these were my sentiments, yet I will not affirm that they were."

JUNE 1790.

Considering his caution upon this occasion, I suppose your Lordships are something surprised at the rashness I stated before, of the particular dates of the indorsement of the bonds when going to Benares.

"Though I feel their impression as the remains of a series of thoughts retained on my memory, I am not certain that they may not have been produced by subsequent reflection on the principal fact, combined with the probable motives of it."

What is the principal fact I am at a loss to understand.

"Of this I am certain, that it was my design originally to have concealed the receipt of all the sums, except the second, even from the knowledge of the court of Directors."

Now I think, considering how little he is sure of his reasons upon any former occasion, it is some advantage to us that he is certain of this fact of an original intention to conceal the receipt of all these sums, except the second, even from the court of Directors.

"They had answered my purpose of public utility and I had almost totally dismissed them from my remembrance."

It is a singular thing that he had received the sums and applied them to the public service, that he had the notes in his bureau and the bonds in the possession of his attorney, and yet he had almost totally dismissed them from his remembrance!

"But when fortune threw a sum in my way of a magnitude which could not be concealed, and the peculiar delicacy of my situation, at the time in which I received it, made me more circumspect of appearances, I chose to apprise my employers of it, which I did hastily and generally;—hastily, perhaps, to prevent the vigilance and activity of secret calumny, and generally, because I knew not the exact amount of the sum of which I was in the receipt, but not in the full possession. I promised to acquaint them with the result as soon I should be in possession of it; and in the performance of my promise I thought it consistent with it, to add to the account all the former appropriations of the same kind. My good genius then suggesting to me, with a spirit of caution which might have spared me the trouble of this apology had I universally attended to it, that, if I had suppressed them and they were afterwards known, I might be asked what were my motives for withholding part of these receipts from the knowledge of the court of Directors and informing them of the rest,"—

The very question which they asked him at this time—

"it being my wish to clear up every doubt upon this transaction which either my own mind could suggest or which may have been suggested by others, I beg leave to suppose another question and to state the terms of it in my reply, by informing you that the indorsement on the bonds was made about the period of my leaving the Presidency, in the middle or the year 1781, in order to guard against their becoming a claim on the Company as part of my estate, in the event of my death occurring in the course of the service on which I was then entering."

Indorsement of the bonds.

7 JUNE 1790. I have sufficiently observed upon that paragraph. Now here comes the summing up of all this:—

"This, sir, is the plain history of the transaction. I should be ashamed to request that you would communicate it to the honorable court of Directors, whose time is too valuable for the intrusion of a subject so uninteresting, but that it is become a point of indispensable duty: I must, therefore, request the favour of you to lay it at a convenient time before them. In addressing it to you personally, I yield to my own feelings of the respect which is due to them as a body, and to the assurances which I derive from your experienced civilities that you will kindly overlook the trouble imposed by it."

He considers what he has stated here to be a plain account of this transaction.

Absence of
real expla-
nation in
the letter.

My Lords, the plain account of this transaction consists in almost every reason which he has given being reasons which he confesses himself not to be certain of. The only thing which he avers with certainty is his original intention of concealment; and he gives no explanation upon it, except upon the hypothesis of what might have been his motive at the time. Almost the only fact which he avers with certainty, is the time of the indorsement,—a fact completely falsified by the bonds themselves and the testimony of his own attorney, Mr. Larkins.

Grant of
Directors
favourable
to Mr. Hastings
in the
year 1784.

Before I have done with this letter, I will also call your Lordships' attention in some degree to the beginning of it, which I omitted in first stating it. You are to understand that, in the year 1784, the Directors, having received the letter of May, 1782, with its transmission of December the 16th, 1782, with these accounts, were considerably astonished at the contents of these letters. Your Lordships are all too much conversant and too full of memory with respect to the politics of the times not to give me credit when I assert that these Directors, who wrote to Mr. Hastings in the month of March, 1784, were certainly not supposed to be particularly averse to him, or to be particularly hostile to him, with respect to his power or with respect to any of his measures. It was at a period immediately after the dissolution of the late Parliament; after the change of ministry which preceded that dissolution; and after the totally doing away all the schemes which had been formed by Parliament, of which your Lordships have a perfect memory in your mind, and which I certainly perfectly remember, and which I—speaking still my own sentiments and not the sentiments of those that sent me here—am obstinate enough still to think the best system that was ever proposed for the good

government of India. These two events did not take place 7 JUNE 1790. with any remarkable degree of quiet or any remarkable degree of tranquillity. In this country they certainly raised considerable debates; they raised considerable heats; and the event of this was to produce a court of Directors certainly not unfavourable to Mr. Hastings, and a general spirit very unfavourable to those who are his prosecutors, and proportionably favourable to him.

This court of Directors, constituted as it was, was not completely satisfied, nor could be, with the letter of May, 1782, nor with the letter of the 16th of December, 1782, neither; and upon that they ask some questions—

Their dissatisfaction with his letters.

“We have considered the letters from the Governor General of the 30th January, 22nd May and 16th December, 1782, relative to presents, together with the account which accompanied the letter of the 22nd May. Although it is not our intention to express any doubt of the integrity of our Governor General,—on the contrary, after having received the presents, we cannot avoid expressing our approbation of his conduct in bringing them to the credit of the Company,—yet we must confess the statement of those transactions appears to us in many parts so unintelligible, that we feel ourselves under the necessity of calling on the Governor General for an explanation, agreeable to his promise voluntarily made to us. We therefore desire to be informed of the different periods when each sum was received, and what were the Governor General’s motives for withholding the several receipts from the knowledge of the Council or of the court of Directors, and what were his reasons for taking bonds for part of those sums, and for paying other sums into the treasury as deposits on his own account.”*

These gentlemen were certainly not unfavourably inclined to Mr. Hastings, though, as he was their servant, they presume to ask him—“pray what were your reasons for taking that money? what was your reason for taking notes for some and bonds for the rest, as if it was your own property? We really think these things appear to be so unintelligible as to deserve some reason.” This letter of the 16th of March, 1784, was sent by the *Surprise*, I think, and received in Bengal in August, 1784. Mr. Hastings was then absent; but he came back at the latter end of the year, and received this letter sometime before his departure from Bengal. However, to this letter—to this inquiry coming from friends, certainly, in no hostile style, expressing a great opinion of his integrity but some little surprise at his letters, and asking some explanation of those transactions which Mr. Hastings

Their demand of further explanation.

No answer given by Mr. Hastings till after his return to England.

* Extract from letter of the court of Directors to the Governor General and Council of Calcutta, dated 16th March, 1784.—Printed in the “Minutes of the Evidence,” p. 1149.

73622 1780. states that to men used to money business may seem extraordinary and to require some explanation,—Mr. Hastings does not answer at all. But, when he comes to England, a friend has told him that it would be thought extraordinary if he does not make some answer to the court of Directors; and that answer is the letter which I read so large an extract from, and which I shall supply now by reading the beginning. Perhaps it would have been better if I had read the whole of it before.*

Letter from
Cheltenham,
11 July,
1784.

"Cheltenham, 11th July, 1784.

"Sir,—The honourable court of Directors, in their general letter to Bengal by the *Surprise*, dated the 16th March, 1784, were pleased to express their desire that I should inform them of the periods when each sum of the presents mentioned in my address of the 22nd May, 1782, was received; what were my motives from withholding the same receipts from the knowledge of the Council or of the Court of Directors; and what were my reasons for taking bonds for part of these sums and for paying other sums into the treasury as deposits on my own account. I have been kindly apprised that the information required as above is expected from me."

It certainly was very kind in his friend to apprise him of it, but then I should have thought that his own "good genius" would have apprised him that, when his masters inquired of him how he came to appropriate money of theirs to his own use, it did require an explanation:—

Plea of pre-
occupation.

"I hope that the circumstances of my past situation, when considered, will plead my excuse for having thus long withheld it. The fact is that I was not at the Presidency when the *Surprise* arrived, and when I returned to it, my time and attention were so entirely engrossed, in the day of my final departure from it, by a variety of other more important occupations, of which, Sir, I may safely appeal to your testimony, grounded on the large portion contributed by myself, of the relations which compose our consultations of that period, that the solicitation which my respect would have enjoined me to pay to the Council imposed on me was lost to my recollection."

So, when he came down to Calcutta and found a letter had been there for a considerable time, from the court of Directors, expressly desiring him to give reasons for what appeared to be unaccountable in his conduct with respect to pecuniary matters, he says—it was entirely lost to his recollection, being engaged in other far more important matters. But he says also—

"Perhaps from the stronger impression, which the first and solemn perusal of it had left on my mind, that it was rather intended as a re-

* *Supra*, p. 341.

reprehension for something which had given offence in my report of the 7 JUNE 1790.
original transaction than as expressive of any want of a further elucidation of it"—

His reason, therefore, for not answering that letter from Calcutta which I have read, and shown was a friendly and kind letter—and much too friendly and kind, in my opinion, for his situation—his reason for not answering it was this,—that the impression it left upon his mind was, rather that it was a censure for past transactions than any future inquiry. A very respectful reason does he give when he says,—“I thought this letter did not so much want further elucidation, as was intended as a reprehension for something which had given offence in my report of the original transaction.” In short, in plain words,—“since you do not like this report, I have given of them, you shall have none at all; for I thought you were displeased at the report I had made, not at the substance, but the report I had made in former letters; therefore, I thought it as well to say no more upon the matter.” What is “being displeased at the report,” considered distinctly from “the substance,” but this, that they thought they had not been sufficiently explained? And I should think that, if there could be any mode in which the court of Directors could peremptorily and specifically call for any explanation, it was by giving an opinion that the former explanation had been insufficient and requesting a further explanation. This to a man of honour would have been an immediate incentive to an answer and further explanation. He gives as a reason for no further explanation,—“because I consider it as an expression of dissatisfaction with the former intelligence I had given you; therefore, I meant to let it sleep, and say no more about it, being occupied with far more important matters.” I suppose the defendant will prove that part of his defence; but it will be very difficult to prove to your Lordships’ satisfaction—it will be very difficult to prove to the satisfaction of any honest and rational man—that any public business, however affecting to the public, can be more important to a man of honour than that of his clearing his own character with respect to the accusation of embezzlement, speculation, fraud and rapacity.

My Lords, I shall dismiss the subject of the bond presents with observing to your Lordships, that I fully make out what I say of the use he made of them being directly contrary to his first statement. But it is very remarkable that there

Contradictory statements with regard to the bonds.

7 JUNE 1798. is an intermediate statement, which I referred to and did not explain, and which is directly contrary to both. The first statement was, that two thirds were his own. In the next statement he asks for bonds for all three, and says they were all his own. In the third, he takes one third back and gives two thirds to the Company. So that, in three different statements made by him at three different periods, you cannot choose any two which are not materially, pointedly and decisively, contradictory one to the other,—so that he cannot be written truly by the same person. None of those statements could have been error and mistake, but they must have been contrary to his own knowledge of the fact at the time that he wrote them.

Present
from Sadanum.

With respect to the present which he certainly did first mention to the public, I mean the present from Sadanum, Cheyt Sing's bakhshi, I must make some observation upon that subject. He states it thus in his Defence to the House of Commons,—

"I beg it may be observed that the first of these presents was received in the year 1780, [at a time when, as I have truly said to the Directors, 'the exigencies of the government were my own, and every pressure upon it rested with its full weight upon my mind; whenever I could find allowable means of relieving them I eagerly seized them.' It was in this year, and at one of these distressful periods I allude to, that I formed the plan for drawing Mhadagie Scindia from Guzerat, to the defence of his own dominions, in hopes of laying the foundation of that peace with the Marattas to which this measure did afterwards so greatly contribute. This plan was opposed by Mr. Francis, then a member of the Council; on the plea, amongst others, of little importance, of the additional expense we should incur by its adoption. About this time, Buxey Sadanum, the confidential servant of Cheyt Sing, had been deputed to me in Calcutta by his master, to acknowledge his former ill conduct, and to assure me of his implicit obedience and submission in future: he was also intrusted by his master to endeavour to procure a remission of the payments of the annual sum of five lacks of rupees, which the Board had fixed as his proportion of the expences of the war. I peremptorily refused his request, but assured him that on the restoration of peace this additional subsidy should cease, and that this was all he must expect. Sadanum wrote to his master, and received a commission from him to give me the strongest assurances of his future obedience and submission to the orders of government; and he was further directed to request my acceptance of two lacks of rupees as a present to myself. My reply was that I cordially received his submission and assurances of obedience, but that I must absolutely refuse his present, which I did. Having been disappointed in the execution of my plan for attacking Scindia's dominions, which I deemed, and which proved to be, of the most material consequence, and being thwarted in it by my colleagues on the plea of expense, which was the only material objection made to it, I determined to accept of the offer which I before refused; and on my return from the Council, the day I believe that my plan was rejected, I sent to

Sadanund and told him I had reconsidered his master's offer, and would accept the two lacks of rupees, which I desired him to pay to the sub-treasurer, Mr. Croftes, meaning to apply this money to defray the expence of the expedition against Scindia, and thereby hoping to obviate the only objection which had been made to this important undertaking. Unfortunately, I did not succeed in obtaining the consent of Mr. Francis and Mr. Wheeler, and was therefore concerned at having accepted this sum from Sadanund, since the only use to which I meant to appropriate it was frustrated, and I expressed my vexation to Mr. Markham, my secretary, as he (who fortunately for me is now in England) can attest. Upon mature reflection, I determined neither to inform the Council of the transaction, nor to return the money to Sadanund, having once consented to accept it. I therefore suffered it to remain in the Company's cash as a deposit for their use, and, by the next dispatch to Europe, I informed the court of Directors of the transaction, though I did not state to them from whom I received the money, a neglect which I should have studiously avoided could I have foreseen the consequences of it. I thought, at the time, that I did all that was necessary by declaring that it was not my own, and that I neither could nor would have received it but for their use."]*

7 JUNE 1790.
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There is, also, a further account of this transaction in a letter of Mr. Larkins, which Mr. Hastings has made his own, which I shall submit to your Lordships:—

"The fourth sum stated in Mr. Hastings' account was the produce of sundry payments made to me by Sadanund, Cheyt Sing's buxey, who either brought or sent the gold mohurs to my house, from whence they were taken by me to Mr. Croftes's, either on the same night or early in the morning after. They were made at different times, and I well remember that the same people never came twice. Account of the transaction in a letter of Mr. Larkins.

"On the 21st June, 1780, Mr. Hastings sent for me, and desired that I would take charge of a present that had been offered to him by Cheit Sing's buxey, under the plea of atoning for the opposition which he had made towards the payment of the extra subsidy for defraying part of the expences of the war; but really, in the hope of its inducing Mr. Hastings to give up that claim, with which view the present had first been offered. Mr. Hastings declared, that although he would not take this for his own use, he would apply it to that, of the Company, in removing Mr. Francis' objections to the want of a fund for defraying the extra expences of Colonel Camac's detachment.

"On my return to the office, I wrote down the substance of what Mr. Hastings had said to me, and requested Mr. James Miller, my deputy, to seal it up with his own seal, and write upon it that he had then done so at my request. He was no further informed of my motive for this than merely that it contained the substance of a conversation which had passed between me and another gentleman which, in case that conversation should hereafter become the subject of inquiry, I wished to be able to adduce the memorandum then made of it in corroboration of my own testimony; and although that paper has remained unopened to this hour, and notwithstanding that I kept no memorandum whatever of the substance thereof, yet as I have wrote this representation under the most

* Minutes of Defence at the bar of the House of Commons.—Printed for J. Debrett, 1788, p. 154.

7 JUNE 1786. scrupulous adherence to what I conceive to be truth, should it ever become necessary to refer to this paper I am confident that it will not be found to differ materially from the substance of this representation." *

Mr. Hastings' statement that the present was so intended for delay in payments.

The first thing that I have to observe upon this particular part of the present is, that Mr. Hastings states that this was originally offered him as some atonement for Cheyt Sing's delay in former payments. He says, he tells him he cannot accept of a present by any means, but if the payments are regularly made he will endeavour that upon the peace they shall cease. Mr. Larkins gives a different and more true account of it. He says that Cheyt Sing's bakhshi, his agent, offered him this for the obvious and natural purpose, not of atoning for crimes which he never had committed, but of inducing the Governor General to waive the demand of the Company upon him. What does Mr. Hastings? He says properly—"I immediately refused the present." A present offered to him upon such a consideration, as indeed any present, it was his duty to refuse. He afterwards considers the necessities of Colonel Camack's detachment: he sends for the bakhshi back, and says—"I will accept your master's present:" and he does not state, in any one of his Defences, that he did connect—that he did add—to that any declaration that he did not accept it for the purpose of waiving any interest of the Company's whatever.

Fraud to the giver in applying the present to the Company's use.

Here I submit to your Lordships' consideration what applies specifically to this present, but what applies in great degree to every present ever received by the servants of the Company in India, but particularly to Mr. Hastings' presents,—that, even though he applies it to the Company's use, he does a fraudulent act, because that was not the intention of the giver. Mr. Hastings states that the Company availed themselves of this, which they could not otherwise avail themselves of. If Mr. Larkins' account be true, Cheyt Sing gave this money in order to induce him to waive a claim of the Company's. The Company would never accept a present of two lacs to waive a claim of five.

Expectation of Cheyt Sing that the bribe would save him from further de-

"But," he says, "Cheyt Sing's bakhshi would give me 20,000*l.*, in hope that I should waive the claim of 50,000*l.* whereas no such offer could be made to the Company." So then, the immediate crime he commits, as relating to all pre-

* Extract from Mr. Larkins' letter to the Chairman of the court of Directors, dated 5th August, 1786.—Printed in the "Minutes of the Evidence," p. 113.

ciples of morals and of justice; he permits a man to give him money which the man intends for a bribe,—for which the man intends to induce him to waive a claim of the Company for 50,000*l*. He takes the 20,000*l*. without any declaration that he will persist in the other demand; indeed he adds to the guilt of having accepted this bribe, by afterwards insisting upon the money for the Company. But, whether he did that or not, he leaves this unfortunate man in the situation of believing that he has appeased the Governor General by the bribe he has given him, that he has by that means put himself in a situation of being released from the demands of the Company. You are not only to consider the fraud committed upon the Company,—you are not only to consider the corruption of mind in the man who takes the present, but to consider the grievous calamities which fell upon this miserable man who gave it, and gave it upon an idea which the practice has taught the natives to think probable—that by giving money to the servants they can be excused the claims of the Company. But if the servants act as Mr. Hastings has done—take money to their own use, and not afterwards perform the consideration for which the bribe was given—and if these unhappy persons remain in the situation that Cheyt Sing and his bakhshi did, of having given 20,000*l*. as a bribe in hopes of saving 50,000*l*., and instead of that find they pay 70,000*l*., where the only pretended claim of the Company was 50,000*l*., [are they not aggrieved?]

This is the situation of persons who give bribes in that country, when the convenience of those who act does make it necessary to take the bribe to the public. Therefore, if I were to decide upon the bribes taken, I should have no difficulty in saying that those who have taken a bribe and performed the service for it are, in my opinion, not more, but less guilty than those who add treachery to their corruption, and who receive a bribe which the donor thinks is to save him from a public demand, and afterwards enforce that public demand with rigour, giving this money also to the Company,—incurring two guilts, one, of taking the bribe and deceiving the Company; the other, deceiving the wretch when he thinks he is buying off the money he has to pay, when you by no means whatever intend to spare him. This is the account Mr. Larkins gives of that transaction. The account of Mr. Hastings has no other difference, except that it does not mention his knowledge of the intention of the bakhshi in giving this; but no man, I think, can dispute

7 JUNE 1790.
mands from
the Com-
pany.

Aggravation
of guilt of
receiving a
bribe by
deceiving
the donor.

says, when it was stated to him, he immediately set the substance of the conversation, and requested his y, Mr. Miller, to seal it up with his own seal, which he t his request. For what purpose was it sealed up? arkins says, for the express purpose of being produced, testimony of that conversation, at the time and at the l when it passed. Now we are in the third year of ial. Mr. Larkins had heard of the intended accusation : Hastings when he wrote this letter. Mr. Larkins ince transmitted an *affidavit* with respect to the , with respect to the period of their indorsement, with t to the letter of the 22nd of May, and all those ctions; but yet this letter is unsealed at this time, i not sent over to us, as [far as can be learnt from] testimony that I have yet heard upon the subject. pears to me that Mr. Larkins would have done better, instead of making all these observations for we are to take his word, and the *affidavits* for we are to take his oath, however contradictory the ay be to the other,—it seems to me he would have led better for the defence of his character and for his , if he had sent over this with his seal, and with a : attestation that it had not been opened since that . I cannot help observing that this omission is at very singular and curious fact, and very much calling e observation of your Lordships.

7 JUNE 1790.
His pre-
tended me-
morandum
of a conver-
sation re-
specting the
present.

th regard to the present of Nundulul, I said that were no particular circumstances;—and there are none. cannot conceive great secrecy to be a discriminating instance, because great secrecy belongs to the circum- s of every one of these presents, except that of Cheyt and of that to a considerable degree. But it does r remarkable that, at the time of receiving this money undulul, Mr. Anderson was in the greatest confidence : Hastings, and employed by him in situations of the st trust, living in private familiarity with him and em- l in trusts of the greatest confidence,—it does appear kable that Mr. Hastings should conceal that present undulul from Mr. Anderson, who declares that from Hastings he never heard a word of that or of any other t whatever.

Conceal-
ment of the
present
from Mr.
Anderson.

present of Kelloram stands, undoubtedly, in many ts upon a footing peculiar to itself. The first attempt tify it is, that it was not a present, but that it was a

Kelloram's
present.

Pretext of
its being a
peelcush.

7 JUNE 1798.

Proofs of its being a private gift to Mr. Hastings.

pesheush. And by a pesheush, I, who am not conversant in Indian terms, understand something a little analogous to a fine paid upon the renewal of a lease, such as is paid in this or any other European country. With respect to this pesheush, we have completely proved, both by written and oral testimony at your Lordships' bar, that there is a fixed pesheush which bears a very small proportion indeed to the rent, and that no such pesheush as that was received from Dinagapore, Nuddea, or Kelloram. That it was not a public pesheush, such as was fit to be owned, but a private present to the Governor, appears from various circumstances. First, by his secrecy upon the subject; for, if he had an opportunity of letting the lands at a high price, at which it appears, he did let them, and if, over and above that, he had induced Kelloram to pay a fine to a considerable amount, he would, undoubtedly, have stated to the Company his merit in letting those lands, inasmuch as he would have let them with an advantage in the rent, and an additional advantage in respect of the fine besides. Instead of that, we find it kept a profound secret from Mr. Hastings' friend, till it appeared, I believe, in the course of the inquiry in the House of Commons, in some shape, in the course of this impeachment.

Evidence of witnesses.

Mr. Hastings now avows it, but he long kept it secret, and we have proved that secrecy. We have also proved—which is very material—that that secret was inviolably kept by Mr. Hastings, till public rumour had published it to the world. We have proved by the evidence of Mr. Anderson,—we have proved by the evidence of Mr. Moore,—we have proved by the evidence of Mr. Young,—not, I believe, by the evidence of Mr. Shore, for he was not positive of having heard it before the year 1782, but he thinks he heard it before,—but we have proved by the evidence of every gentleman called to your Lordships' bar that they did hear of this money given by Kelloram to Mr. Hastings; and it is worthy of your Lordships' while to recollect the terms in which the different witnesses expressed themselves upon that subject. Mr. Moore said he heard it; Mr. Young said he heard it; Mr. Anderson said he heard it, but did not believe it; Mr. Shore said that he heard it, but concluded that it was Gunga Govind Sing who had abused Mr. Hastings' name, and not Mr. Hastings who had accepted it. Need I say any more to prove that it was not a public fine or public pesheush? Need I say any more to prove that it was a criminal and not a meritorious receipt of money, when I

find that every witness says he heard it as a report against ^{7 JUNE 1790.} Mr. Hastings, and that these witnesses who are particularly favourable to Mr. Hastings, such as Mr. Anderson and Mr. Shore, tell you,—one, that he heard it without believing it; the other, that he heard it and thought it was an abuse of Mr. Hastings' name by Gunga Govind Sing, who had received it for himself? Nothing can be more conclusive than these testimonies, with regard to its not being a regular peshcush or fine, but an irregular, illicit, blameable, present, as I have stated it.

It also appears that he did let to Kelloram about that time a very considerable farm, no less than the province of Behar. We have proved to your Lordships that he let it him with unusual circumstances; we have proved to your Lordships that he let it him in perpetuity, contrary to the opinion of the Company upon that subject; we have proved that he let it to him without any collateral security, contrary to the universal practice of letting farms; we have proved that he let Kelloram and Cullian Sing the joint office of diwan and farmer, two offices which do not appear ever before to have been joined, and which I conceive to be joined first in that instance, because in a subsequent minute it is stated that the junction of these two offices, though not common, is not unprecedented, for it was so in the case of Cullian Sing and Kelloram; from whence I conclude that was itself the first innovation, and was the original precedent for such a junction of two offices so apparently incompatible.

Farm of the province of Behar let to Kelloram.

The joint office of diwan and farmer let to Kelloram and Cullian Sing.

Upon the junction of these two offices we have asked all the different witnesses. Mr. Moore says the diwan ought to be a check upon the farmer. Mr. Young says the same. Mr. Anderson says, after a considerable degree of pressing, that he believes he might be so, and after a number of questions he adds—that he owns he does think it possible that, when they are in the same person, the same check may not exist. Therefore, we have shown that, in this case, he not only took the present illicitly from Kelloram, but that he appointed him to a farm with unusual circumstances; that he gave him power unusual to a farmer, by connecting with his farm the situation of diwan; that he took from him no collateral securities, as he did from the other farmers. If, joining all these circumstances together, your Lordships can conceive that this money was taken for the Company, I confess I shall be at a loss to know how it is possible to prove the corrupt receipt of money from any man, more especially

Check removed by the junction.

Proofs of corrupt receipt of the money.

7 JUNE 1799.

when, having [proved] that it was received illegally, I add that he did do a benefit to that man, did abolish the usual checks that were upon him, and did abstain from taking the usual collateral security which from persons in that situation was constantly demanded.

Mr. Hastings warned of Kellernan's unfitness for the trust.

In addition to this, I would wish your Lordships to recollect Mr. Young's evidence, in which he states to you that he foretold to Mr. Hastings what would be the effect of appointing Kellernan; that he, who had been in the province and was acquainted with all the circumstances of it, did warn Mr. Hastings that Kellernan was not fit for the trust, and not a man likely to answer as a farmer for the Company. All these warnings were completely disregarded by Mr. Hastings. The farm was let to him without security, and without check from the diwan, under all the circumstances I have stated; and it has also been proved that from this man he did take a considerable sum of money, contrary to law and the orders of the Directors;—it is to be remarked, too, that he took it by his instrument, Gunga Govind Sing.

Part of the money received for Mr. Hastings by Gunga Govind Sing.

The witnesses have been asked, and have said that they did not know any connection Gunga Govind Sing had with these provinces. But yet it does appear that he was the receiver of this money for Mr. Hastings, and paid it over to Mr. Crofts, by Mr. Hastings' desire,—not all, as I shall state; and though the remainder may be a small part, it is well worth your Lordships' consideration. It appears by Mr. Larkins' account that the Patna money, which is Kellernan's money,—for it does not appear to be known to Mr. Larkins that it was Mr. Hastings' money, for Mr. Hastings makes confidences by halves even to those he most entrusts,—the whole receipt appears to be two lacs 21,000 rupees, and what was paid to Mr. Crofts appears to be only two lacs; so that there is a balance of 21,000 rupees, which is about 2,000*l*. I admit that not to be a very large sum; but yet it is equally conclusive for proving the purposes for which Mr. Hastings took this sum, and the purposes for which he conceived it to be given; because, if Mr. Hastings had taken it for the Company, and Gunga Govind Sing had received two lacs and 21,000 rupees, he would have said the Company must have the two lacs and 21,000 rupees; whereas he gives them only the two lacs, and with regard to the remaining 2,000*l*, that is in Gunga Govind Sing's hands, as Mr. Hastings' agent. It is Mr. Hastings' property, if he can recover it from Gunga Govind Sing, and not the Company's, till Mr. Hastings gives

Only part of the sum paid to the Company.

to the Company. And, though the sum is small, it ^{7 JUNE 1790} to show the light in which he receives it; because that is the agent for another receiving 22,000*l.*, himself, if he pays 20,000*l.*, relieved from the other. Therefore, this serves to show the light in which Hastings received it—as money for himself and not for company,—because he pays only part of it over to the company.

Lords, this observation which I apply to the Patna applies, perhaps, still stronger to the money received Dinagapore. There you will perceive, if you will look Larkins' account, in page 1156 of your Minutes, that, Dinagapore money, there has been received three lacs 300 rupees. There has been paid to Mr. Crofts only 2*l.*—they state for charges to the amount of 9,000; and balance remaining in the hands of Gunga Govind Sing is to be 97,000 rupees. Then in the account, at the end, the Dinagapore pesheush ought to be four lacs; that were received only three and that there remains one. Idea there was no balance. Of Patna there were there were received only two, of that there remains

Part of the money received from Dinagapore remaining in Gunga Govind Sing's hands.

appears, therefore, that Gunga Govind Sing had received for Mr. Hastings three lacs and 6,000 rupees, and paid to Mr. Crofts only two lacs, and, deducting the 2*l.*, there remains in his hand 97,000 rupees—a sum equal to 10,000*l.* sterling. I wish here to ask the question, if this was the Company's money and he was as steward, upon what principle he admits Gunga Govind Sing to retain 2,000*l.* of the Patna, and near 10,000*l.* of the Dinagapore present? What is his situation? Is he insolvent, insolvent,—a person who being willing to pay has been able to pay? If he is any of these, Mr. Hastings may make some excuse for himself. But, since the periods I have been mentioning, Mr. Hastings has employed him in important concerns, and he finishes his government leaving a most excellent character of him and addressing the Board and Council in his favour. In favour of whom? In favour of a man who, according to this account of Mr. Hastings, is in possession of 12,000*l.* of the Company's money, he had received so long ago as the year 1780 or 1781, which he has never paid a single shilling, to the time speaking or to the latest accounts from India.

Total amount received by Gunga Govind Sing.

Gunga Govind Sing not treated as a defaulter by Mr. Hastings.

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Plan of acceptance of bribes as means of procuring money for the Company.

Incompatible with his benevolence to Gunga Govind Sing.

The sum left with Gunga Govind Sing as his share of the bribe.

Let Mr. Hastings do—what, if he had done it from virtuous principles, would be the last effort of virtue, but such an effort of virtue as I never knew any honourable man apply to—let it be admitted that he has gone through all these dark roads and ways of corruption,—made himself liable to suspicion in a thousand instances,—that he has received money for which, if he had been detected at the instant, he must be found guilty of bribery,—that he has done all this—that he has blasted his character,—all for the purpose of government, for filling their coffers and increasing their revenue: be it so!—I apply to him as a rigid steward for the India Company. Not contented with their regular dues, he goes and gets for them what he could not get in any other way than as presents to himself:—be this also! But how are we to account for his conduct to Gunga Govind Sing, who was an instrument in those measures, who has actually, according to his account, had this 12,000*l.* in his hand since 1780, and has never accounted for it in any manner whatever? If he had acted for the Company, he would not have been content with paying to the Company what Gunga Govind Sing paid him, but he would have made him pay every shilling he received from Kellernam and Dinagapore.

It is impossible to be accounted for upon a principle of innocence: it is not only possible but easy to account for it upon a principle of guilt. If it be true, as I contend, that Mr. Hastings received all these sums for himself, though afterwards from particular circumstances he has thought it convenient to confess them and place them to the Company's account—if all that is true, all this is explained. Why was Gunga Govind Sing to have 12,000*l.* in his hands? Because it was his share of the bribe; for no man can employ men in illegal and corrupt transactions without paying handsomely, liberally, and, may be, as they may think, exorbitantly, for their labour. Gunga Govind Sing, though a Hindu, knows the act of the 13th of the King, as well as your Lordships know it; and he knew that, the moment Mr. Hastings employed him to take money from Dinagapore and Kellernam, Mr. Hastings was employing him in an illicit traffic for which Mr. Hastings was answerable. Gunga Govind Sing knew the trust reposed in him, and did as persons will in such employment do—"If I am to have a share in the crime let me have a share in the profit,"—and the profit seems tolerably

I divided. But that Mr. Hastings, with this rigid economy for the Company, should, knowing their distress, give such a sum in Gunga Govind Sing's hand, and then for that raise Gunga Govind Sing to such places of trust and confidence, is a conduct not to be accounted for by any reasonable man whatever.

I trust your Lordships have considered the different letters that I have laid before you; and I could almost venture—though, perhaps, it might be too rash a challenge—to put the whole of this trial upon this fact,—if the Counsel can prove that, in any one letter of Mr. Hastings, he has stated one fact exactly in the way in which it has turned out on examination, I would almost consent that your Lordships should acquit him. And yet, when a person has written four or six letters, every one of them giving a different account, it would be considered as a matter of some unfortunate fatality that, out of so many chances he has had for speaking the truth—having spoken so differently in every one—there does not happen any one that is precisely consistent with the truth, whenever it has been explained in evidence at the bar of your Lordships.

My Lords, the characteristic of the whole of this business is secrecy and mystery. Were these accounts kept by Mr. Larkins? One would think Mr. Larkins might be suspected. I am sure all his conduct since seems to show him to be a man who might be trusted as an agent by Mr. Hastings. Were they all kept by Mr. Crofts? I am sure that, when Mr. Hastings had forgiven Mr. Crofts that material error of paying the Nawab 16,000*l.* more than was due to him, Mr. Hastings had a right to expect at least fidelity from Mr. Crofts, if you can conceive that personal fidelity can be long to a person that has been guilty of so great a breach of public trust. If he trusted neither to Mr. Larkins nor to Mr. Crofts, did he trust entirely to Gunga Govind Sing himself? No, that does not appear. For the manner in which Mr. Larkins gets at all these facts is very singular. Mr. Larkins says that his official situation had made him suspect that Mr. Hastings had received sums; he went to him, and advised him to mention them, and he says:—

'The particulars of the paper, No. 1, were read over to me from a legal paper by his banya, Cantoo Baboo, and, if I am not mistaken, the three first lines of that No. 2 were read over to me from a Persian letter by his munshi. The translation of these particulars made by me, as I verily believe, the first complete memorandum that he ever possessed of them in the English language; and I am confident that if

7 JUNE 1700.

Inconsistency of Mr. Hastings, accounts of the transactions relating to the presents.

The secrecy and mystery connected with them.

The withholding of confidence from his agents.

7 JUNE 1790. I had not suggested to him the necessity of his taking this precaution; he would at this moment have been unable to have afforded any such information concerning them."

Irregularity
of accounts.

Now, whether Mr. Larkins was Mr. Hastings' good or evil genius in advising him to have these things translated and appear in the way in which they have appeared, may be left for your Lordships to determine. But what I beg your Lordships to observe is, that, so far from trusting Mr. Croft—so far from trusting Mr. Larkins, or even Cantoo Baboo,—it appears that Mr. Larkins collected this himself from a Bengal paper read to him by Cantoo Baboo. With regard to the other, he does not say much of it, but that the first lines were read by the Persian munshi, which is, I suppose, a servant that wrote the Persian language. So that these accounts, instead of being kept in that plain and direct manner which every man would wish all accounts in, but in which he would particularly wish to keep accounts of such a delicate nature, were kept, some in English, some in Persian, some with Cantoo Baboo, some with the munshi, some with Larkins, some with Croft; and he never had a complete statement of them all, down to that period. So little was he able to account to the Company for the moneys, that he could not account for them himself. He had them lying in different papers, in different languages, and had not a correct statement of them upon which his private honour as a gentleman, and his public character as a minister of the India Company, must depend in the eyes of his masters and in the eyes of the world, when they should scrutinise his conduct!

Difficulty of
accounting
for Mr.
Hastings'
system of
fraud.

My Lords, I confess that there may be questions put to me which I should find some difficulty in answering. If it were said to me—"You have exposed,"—as I think I have—"a system of complicated fraud, deceit, concealment, falsehood, misrepresentation, which undoubtedly precludes the possibility of innocence;"—that I suppose must be granted me;—but it may be asked me—"can you set up any rational scheme of fraud to which these papers answer?" In one or two instances I have attempted it; in the case of Gunga Govind Sing and the bonds. But it may be said—"where was the use, supposing he meant to defraud the Company, of originally telling them of the money at all? Where was the use of defrauding in one shape in one instance, in another shape in another,—for leaving some in bonds, some in deposits,—for remembering some and forget-

g others,—and remembering some instances in parts 7 JUNE 1790.
 uch made the most against him?" I can say nothing of
 at. I cannot form any rational system of guilt; but I
 ink innocence is completely and certainly excluded. I will
 nature one conjecture and one only. One conjecture is
 is,—that, by leaving these things in this uncertainty and
 lf explanation, he left a guard for whatever might be
 tected. If, in the first instance, he had said to the Com-
 ny,—“I applied this money which was taken from Sadan-
 und for your use, for Colonel Camac’s detachment,”—which
 ould have been the natural thing, he then was liable to
 is difficulty, that, if we had proved any other present, he
 st have accounted for having brought that, too, to the
 mpany’s account. If, for instance, we had proved the
 mney received from Kelloram, he must have proved some
 blic use made of that money; whereas, having mentioned
 s money without mentioning Sadanund, the giver, if we
 and out any other present, he might have said, “Oh! that
 the sum I applied to Colonel Camac’s detachment, and
 ick I offered in my own name, in that manner which some
 lled ostentatious, before Mr. Wheler and Mr. Francis.

Probable
motive in
partial ex-
planations.

So in other instances. He stated, in a letter of the 22d of
 ay, these sums without names. He had heard a rumour of
 elleram. If he had stated he had received so much money
 d received it from Kelloram; if he had stated the appli-
 tion of that sum; if we subsequently detected any other
 m, he could not cover that under the name of Kelloram.
 at in this way of covering it, stating one sum as a pesh-
 sh, one through the hands of Gunga Govind Sing, one
 m Sadanund, another from Nundulul, &c., he stands in this
 nation,—that, whenever we detect a new bribe, he may say,
 Oh! that is the sum that I applied in such a way.”

That is one of the grounds upon which I can suppose
 is system of darkness, concealment and fraud [to have
 en devised]. But I hope that it is no shame to me,
 at it is no disgrace to an honest man, to say that he
 s not skill enough to detect the use, the objects and
 e purposes, of all the intricacies and the windings
 the fraudulent. I only say that I know them by
 air face and character; that honest men do not pre-
 ricate, they do not give different accounts of a transac-
 on, particularly transactions as to money, in which every
 un’s private honour is supposed to be immediately and
 licately concerned. All these things, I can say, have

Contrast of
covertneſs
of guilt with
openneſs of
innocence.

7 JUNE 1799. never been done by innocence. But I am not bound to account for all the windings of fraud and guilt. I do not know them. Thank God! I do not wish to know them. But this I can say, they are not the paths of innocence. How and in what shape they lead to the purposes of guilt I know not. Perhaps they do not lead judiciously to these purposes; for those who think they can conceal their guilt by windings and cunning may find themselves the dupes of their own deceit; but they are not to be acquitted because they have done that without effect which they intended to do for the worst purposes.

I said cursorily, in the beginning of this business, that when he gave general answers I would make no reply;

Concealment by means of falsehood.

But if I am to judge from his conduct I must think otherwise, because I perceive that falsehood, and not silence, has generally been the engine of his concealment. To involve truth in a variety of circumstances which may make it invisible to common eyes;—at one time, to tell something like the truth; at other times, to deviate from it more widely; at others, to contradict it directly;—to bring a variety of facts unexplained, in order that you may not be able to distinguish which sum belongs to which fact and which date, and which period to which particular event;—this has been his mode of concealment. I do not know how I can account for this. I cannot illustrate it better than by the image used by the greatest of poets, and of the first date, in describing that sort of mist which envelopes the hills;—he says, “Such mists are not friendly indeed to the shepherd and to the cultivator, but to the robber they are better than even the darkness of the night itself.”† Giving by that an idea, which is, perhaps, as just and correct as it is expressive—that a certain obscurity derived from thickness is still more favourable to the pursuits of the guilty than that species of darkness which results from the absolute want of any light whatever,—as-much as it is more difficult to dispel by new light than sort of mist which prevents the usual and natural operation of light, than to dispel all darkness whatever. I, therefore, have no other principle to account for his conduct but that which I have stated. Suffice it for me that there is no principle upon which it can be accounted for consistent with innocence.

* The words omitted are a quotation from a Latin author, not repeated.

† Homer's *Iliad*, Book III., line 10,—

“Εὐτ’ ὕπνος κορυφήσι Νότος κατέχευεν ἀμήχανον,
Ποιμῶσιν δὲ φίλῃν, κλέπτῳ δὲ τε νυκτὸς ἀμείνω.”—

I have proved the substantive crimes which I have stated. I am contented to rest there for judgment. But I have spent much of your Lordships' time—I hope I have not mispent it—by showing that these crimes were not only substantive crimes, as breaches of an Act of Parliament, but that they were attended with all the circumstances that prove the *malus animus*, and aggravate the commission of any crime whatever. Many of your Lordships have sat in courts of justice; many of your Lordships, who have not sat there, have attended there as spectators, as I may have done; and, I believe, your Lordships have found that, in all criminal cases, it has always been considered as the most powerful medium, next to positive evidence, and sometimes superior even to positive evidence itself, of proving the guilt of any criminal, that he has given false accounts relative to the transaction, upon the subject of the criminal inquiry.

7 JUNE 1790.
Aggravation
of crime by
false ac-
counts of it.

My Lords, in the case of the condemnation of a very unhappy, but, I believe, a very guilty, man to the greatest punishment which our law knows for the greatest crime—I mean for murder,—the judge in pronouncing his sentence used these words—"In your case, the false accounts given by yourself, the misrepresentations that you have held out to Sir William Wheler, the endeavours that you have used to prevent a full inquiry and discovery of the truth of the case, the strange conversations which you have held at different times, and a variety of other circumstances, leave no doubt of your guilt."* The judge in stating that, in my opinion, did well; for there can be no greater proof of the truth of the charge against any man than the variety of false accounts which he has given upon the subject.

Comparison
with case of
a convicted
murderer.

My Lords, this was upon a different subject, but I would almost venture to apply every word of it to the present case:—"The false accounts given by yourself,"—I have stated abundance of false accounts are given by Mr. Hastings. "The misrepresentations that you have held out,"—Mr. Hastings has held out misrepresentations to the court of Directors, to his own friends, to the Board at Calcutta, to the House of Commons upon his Defence, and to every one with whom he has conversed upon the subject. "The endeavours that you have used to prevent a full inquiry and

* The case referred to is the trial of Capt. Donellan, for the murder, by poison, of his brother-in-law, Sir Theodosius Boughton, Bart. He was executed on the 3rd of April, 1781.

7 JUNE 1799. discovery of the truth of the case,"—for the endeavours which Mr. Hastings has used to prevent an inquiry into his conduct, can I go to stronger evidence than all that passed upon the subject of the accusation of Nundoomar? Without going back to the presents anterior to the Act, the *crimes* which he makes of all the Company's questions, who ask him, with respect to the circumstances they had a right to ask, as to why he took bonds, &c.,—he constantly evades this, by saying "I either thought you did not want an answer, or that I had given one." "The strange conversations,"—we have proved, not strange conversations, but strong writings, which are better than conversations, because they are not likely to be mistaken.

All these circumstances, which, in a case of the greatest crime—and the greatest crime at least ought to be presumed—in a case of the greatest crime, subjecting a man to the loss of his life, were considered, and rightly considered, as strong circumstances of proof of the guilt of this unfortunate and guilty man to whom I allude—all these circumstances occur in the case of Mr. Hastings. For he has given as many false accounts, as many misrepresentations, he has made as many endeavours to prevent a full inquiry and discovery of the truth of the case, and he has held as many strong conversations by writing as ever this man did by words, in order to conceal his crimes. Thus he was guilty of all these things. They were not mere breaches of the Act of Parliament, but they were corrupt presents, in the worst sense of the word corruption, taken for bad purposes by him, and only afterwards applied to the use of the Company.

Defence of application of the presents to the use of the Company.

The words, "applied to the use of the Company," lead me to the only defence which I can conceive possible to be set up for this gentleman. I would beg leave to ask your Lordships then, conversant as you are with the law, whether in any other case such a defence could be set up?

Case of a forger who returns the amount of his fraud.

At the time when forgery was only a misdemeanour and not capital by the law, if a man had been found guilty of forgery, could he possibly avoid the penalties of that crime by proving that he had paid back the sum which he had fraudulently gained by his forgery? Certainly not; there could be no doubt upon that subject: but there is a particular decision upon that, I believe, by Chief Baron Pengelly in the case of Hall. But it is not worth while to quote a case upon the subject, because it is clear in point of fact that he that has done a criminal act shall not get rid of

minimal act by merely discharging himself of the profit 7 JUNE 1790.
made by it.

state it more familiarly, I should like to put it in
se of corruption. It is illegal in this country to
bribe for the election of a member of Parliament.
were proved upon any man that he had taken a
or his vote, in the election of a member of Par-
;—if it could be proved by any member of your
ips' House, or of the House of Parliament to which
the honour to belong,—which I trust will never
ved against any member of either,—that we had
bribe for our vote in Parliament,—would it be any
on, would it be listened to as an excuse for having
the law in that instance, that we could prove that,
the indictment was preferred against us, we had
either paid back that bribe to the person who gave it
and given it to the Sinking Fund, or for any other
purpose whatever?

Comparison
with a bribe
for election
of a member
of Parlia-
ment.

Or for a vote
in Parlia-
ment.

Return of
the money.

ight be said in that case, what is the crime of a mem-
Parliament taking money—I am putting by the case
lector,—what is the crime of a member of Parliament
money for his vote? The crime is, first of all, that
aks the law. The next crime is, that he makes
less fit to do the duty and to execute the public
at belongs to his station.

all these arguments are against Mr. Hastings. He
ken the law; and he, by accepting these bribes, had
ence upon his mind which rendered him less fit to
e the duties of his public station. Mr. Hastings says,
Defence—"I took the bribes indeed, but I acted as I
have done if I had not taken them. Did I spare
Sing on account of the bribe he paid me? Certainly
Would it be any defence of any member of either
to say—"Certainly, I took the bribe, but I can prove
cted contrary to the intention of him who gave it me?"
astings might say, "I took it myself, but I gave it to
blic." So we might say,—“We took it nominally for
res,” and might add the same merit Mr. Hastings adds;
ay say that, by taking a bribe for my vote which did not
ce it, and by transferring that bribe to the Sinking Fund,
ed a sum of money to the public which it could never
ad in any other shape, except through my bribery and
tion. There is no difference between the two cases.

ppose the case to be, as I have stated, of a member of
ment;—suppose it was the case of a member of Parlia-
case of a
Minister
taking a

7 JUNE 1780.

bribe from a
foreign
prince.

ment or one of the King's Ministers, as to foreign transactions—which may in some respects appear nearer the case, but in reality is not a jot so. Suppose any of his Majesty's Ministers were to take a bribe from any of the Princes of Europe, would it would be a good plea, when accused of that offence, to say—"It is true I took the bribe, but I was so far from putting it in my pocket that I used it for the King's secret service, in which I was intrusted. I credited that account for it, and every shilling which I received from the Minister of this or that Prince or republic in Europe, I applied to the secret service money of Great Britain."

That is Mr. Hastings's defence:—"I broke the law; I received money from Nobkissin; I received money from Kelloram; I received money from Sadanund; I received money from Dinagapore; from Nuddea; from the Wair; but all this money I expended either in public services or in the secret services, as I state, of the Company, in the expenditure of which I was intrusted." No such plea would be endured. The answer would be plain and obvious—"You gained that money for the public in a scandalous way, derogatory to the public honour, and have rather aggravated than palliated your crime by involving the public in the dishonour and shame that belongs only to yourself." They would say that, as it was dishonourable to the public, as it was in an equal proportion unsafe for the public; for they would say that, if this or that Minister, or if this or that member of Parliament, presumes to take money in this way, and gives it to the public, how do we know but he has millions behind which he conceals under the favour of this which he discovers,—which he keeps for his own private purposes?

Defence of
using the
presents for
the Com-
pany's ser-
vice not
applicable to
all the cases.
The present
from Nob-
kissin.

In every view, the defence is rather an aggravation of the crime. But even that defence, such as it is, does not apply to all the presents he has taken; because, as to the only one which I have hitherto forborne to observe particularly upon—I mean the present from Nobkissin—he states—"I received it from Nobkissin; I offered to borrow it, he desired to give it me."

There is an Act of Parliament, passed since the period to which I allude, and therefore which does not undoubtedly attach upon Mr. Hastings as an Act of Parliament, but which may serve as a comment upon past laws, and as a declaration of what is the meaning and the sense of the Legislature of Great Britain—there is an Act passed, which

says, that all demands for money in India of natives by Englishmen, under such circumstances, shall be considered as extortion. That Act of Parliament certainly did not attach upon Mr. Hastings; but when your Lordships consider that he was Governor General, that he applied and solicited for a loan from Nobkissin, and that Nobkissin chose rather to give him the money than to lend it either to him or the Company, whatever Mr. Hastings might conceive, there can be little doubt but that Nobkissin considered himself as a person upon whom extortion was committed.

Why did Mr. Hastings take it? He says, because he was in great distress, and that his salary was not at that time paid. We have proved that, in this time, when he says his salary was not paid, he had an opportunity of remitting 20,000*l.* to Great Britain, a sum which makes two thirds of the present from Nobkissin. We have, therefore, proved that the pretence for that is false. But did he receive it for the benefit of the public? He tells you, no! He says fairly—"I took that sum of money to reimburse myself expenses"—expenses which you have allowed? no—"expenses which you have expressly forbidden!" For I beg to put your Lordships in mind that we have brought in evidence before you a letter from the Directors subsequent to the Act of 1763, in which they state that they consider the salary of the Governor so complete a provision, exclusive of all other perquisites, that they consider it as gratuitous to Mr. Hastings that they allow him even to occupy their house at Calcutta,—so far from allowing for employing an aid-de-camp and other contingent charges.

Plea of distress for salary not being paid.

Admission of appropriation of the money.

He states that he took it, and then tells the Company, in direct contradiction to his letter written three years before,—

"If you think this will be mischievous as a precedent, all I can say is, that it will be less mischievous than leaving me"—with all the merits which he gets to himself upon that occasion—"in the situation of a man who, having spent his life in the accumulation of crores for your benefit, is doomed in its close to suffer the extremity of private want and to sink in obscurity."*

With regard to the extremities of private want, we have proved to your Lordships remittances upon Mr. Hastings' account to the amount of between 200,000*l.* and 300,000*l.*, a

Answer to pretence of want.

* Extract from letter to the Directors, 21st February, 1784.—Printed in the Minutes of the Evidence," p. 1120.

7 JUNE 1796. great part of which was remitted to his own attorney. In that very year we prove the remittance of 20,000*l*. We have also submitted to your Lordships a letter of Mr. Hastings, written three years before from Patna, in which he states that, if they will give him that 100,000*l*., well and good; it will enable him to live with a splendour suitable to the situation which he has held; but he says, the time which they have permitted him to fill that government has enabled him to realise a fortune, with which he can be contented in a more humble station.

That is his description of his circumstances in 1782. From that time he enjoyed for two years longer, to the period of his letters from the Ganges, the same lucrative office. After having received this ample salary for two years more, he comes to tell your Lordships that he is reduced to the extremities of private want! I hope your Lordships do not imagine me to suppose, when I speak of remittances, what may be the circumstances of the defendant. I know they may be very far from good. I only show you, that, in that low way of taking it, they are not such as to any English mind give an idea of the extremities of private want. I mention this particular present because it is one which he professedly wishes to be applied to his own purpose, and which he puts in discharge of what he calls a contingent bill, unauthorised by the Company, directly contrary to what they state that the salary shall stand in lieu of the whole *&c.* and which he confesses he had not intended to bring to the Company's account.

His consideration of the present as a discharge of contingent expenses.

In this respect he may be construed easily—"If these inquiries in the House of Commons,—if these terrifying charges of maladministration,—had not taken place, if all these circumstances had not forced me to make a discovery, if I had not been forced to discover to you what I received from Kellaram,—what Gunga Govind Sing received for me from Dinagapore,—if I had not been forced to give up all the articles"—which we state in this charge—"I should never have thought of this paltry account of 30,000*l*.; but, as I have been forced by all these circumstances to do it, I will keep as much of these presents as I can, and I insist upon this, Nobkissin's present, to pay me that for which I never thought of applying at all, and for which I can have no right to be paid." Is it not a sort of ostentation to say that he, an individual, would not have come upon the Company for

payment of money which he was intitled to—an ostentatious—
which he has complained of, and been in a manner very
studious of avoiding? 7 JUNE 1790.

My Lords, the next subject upon which I have to speak
to your Lordships is of a very peculiar nature indeed; it is
contained in the fourteenth Article of these charges. We
coupled with this the charge of the fourteenth Article,
and, though the guilt stated in the fourteenth Article is
different nature, yet it is such as may in some instances
be brought to light upon the present.

The succeeding charge contained in the 14th Article.

CONTINUATION OF THE SPEECH OF THE RT. HON.
CHARLES JAMES FOX, MANAGER FOR THE
HOUSE OF COMMONS, IN SUMMING UP THE
EVIDENCE ON THE SIXTH, SEVENTH AND
FOURTEENTH, ARTICLES OF THE CHARGE,
RELATING TO PRESENTS; 9 JUNE, 1790.

9 JUNE 1790.

Fourteenth
Article of
the Charge.

The present
not proved
to have been
accepted.

The circum-
stances
illustrative
of Mr. Hast-
ings' con-
duct in the
other trans-
actions.

Present of
ten lacs
received
from the
Wazir.

His conduct
in respect
to it incon-
sistent with
his station.

MY LORDS,—At the time when your Lordships allowed me to leave off, on Monday last, I was about to draw your attention to that part of the evidence which has been laid before you during this session, and which relates to the fourteenth Article of this charge; to that subject I shall, therefore, now, with your leave, proceed.

My Lords, it may perhaps be necessary to begin with observing that it may, on the first appearance, seem somewhat singular, that we should bring as a charge against Mr. Hastings a present which we don't prove he accepted, but which, on the face of it, it appears he refused; but, when you attend to the evidence which has been given on this subject, you will be convinced that all that is laid under the charge is the fourteenth Article is strictly true, and that it amounts to a considerable degree of criminality, added to that laid before your Lordships in the evidence on the sixth Article of charge. But, at the same time, we are desirous of proceeding on this Article immediately subsequent to the sixth, because we conceive that the conduct of Mr. Hastings on the business of the fourteenth Article will serve to throw considerable light upon all his conduct respecting those circumstances which were charged in the sixth Article, and which I stated to your Lordships on Monday.

This Article relates to an offer made to Mr. Hastings by the Wazir, in 1782, of a present of ten lacs of rupees; and we think that the evidence before your Lordships will convince you that [his conduct] with regard to the present, though he appears in words to refuse it, and though we by no means pretend to prove that he did, in point of fact, receive the whole or any part of it, yet was such as was inconsistent with the duty of his situation, tending to set a bad example with respect to all the servants in India; and

bat, in the whole of the business, he was guilty of a very ^{9 JUNE 1790.} criminal neglect with respect to the Company's interests, and more particularly in not inquiring what had become of a considerable part of the money which seems, as far as we can collect from the evidence, to have been actually advanced, but which certainly, in the opinion of Mr. Hastings, was actually advanced, from the Wazir, for the purpose of this present.

The first paper which we shall produce upon this subject, because it is the first authentic proof we have of the offer of any sum whatever, is Mr. Hastings' instructions to Major Palmer, which appears upon the consultations, not at or about the time in which those instructions were actually given, but considerably above a year subsequent to the period in which they were sent;—I allude to the consultation of the 21st of October, 1783, which is in page 1265 of your Minutes. In that consultation the Governor-General says:—

"The frequent use which has been lately made of Major Palmer's name in the records of the late transaction at Lucknow, the assertion made by Mr. Johnson in his defence, that Major Palmer was at Lucknow in the character of a political agent, and the private suggestions which have been conveyed to me of misconstructions passed on the nature and object of Major Palmer's deputation, compel me to lay before the Board the original instructions which he received from me, and which, if I can trust to my own recollection and the rule of conduct which I have invariably prescribed to myself in cases of this kind, were both seen and approved of by the actual members of the Board. I own that it is with reluctance that I present them. They were not intended to be recorded; their primary object being more to quiet the mind of the Nabob, to whom I owed that return of attention for the honest attachment which he showed to me when he thought me in distress and my person in danger, than for any other purpose. This must account for the unapplied heads of memorandums with which the instructions conclude. I cannot at this time, were it necessary, explain them, but know that they were designed only to preserve his recollection of the loose and undetermined ideas which I had communicated to him in conversation respecting him."

And, my Lords, these are the instructions, which you will find in the subsequent page of your Minutes:—

'Extract of a Letter from Warren Hastings to Major William Palmer, dated Fort William, 6th May, 1782.

"Fourthly,—The Nabob Vizier having, by an intimation made to Mr. Middleton in the month of February last, been pleased to express his desire to make me a present of ten lacks of rupees, and requested my previous consent and acceptance of the same, I desire you will make my acknowledgments in proper terms for this instance of his liberality and benevolence, and acquaint him that I am precluded from accepting it by

Mr. Hastings' instructions to Major Palmer.

To decline the present for Mr. Hastings.

9 JAN 1796. many conditions, but by one especially, which I beg him to take in good part, namely, that, if I had received it at the time in which the tender of it was made, it would have been liable to constructions, even in his own breast, so repugnant to the disinterested friendship which I profess to bear towards him, that no consideration of personal profit could have induced me to accept it at such hazard.

If he should renew the offer to you, you will inform him that my objection remains the same, and is insuperable; but that, if he will be pleased to transfer it to the Company for the relief of their present and known distresses, I will accept it on their behalf with a thankfulness equal to that which I should have felt and expressed for the gift had it been made to myself, the wants of the Company being at this time of equal concern to me as my own. Let him understand this subject rightly, and he will see in my refusal thus qualified the most convincing proof of my friendship for him and regard for his interests.' "

Proof of the offer having been made in February, 1782.
Made through Mr. Middleton.

Not noticed till 6th May.
Dangerous example in delaying its rejection.

Impropriety of mode of rejection.

These are the instructions given to Major Palmer on the 6th of May, which undoubtedly prove the first fact which we allege, namely, that in the month of February 1782 such an offer was made to Mr Hastings by the Wazir. We contend that the circumstance of this offer having been made so early in February through Mr. Middleton, as it appears,—though we have not before your Lordships, nor does it appear in any public proceedings of the Company, that there is any copy whatever of that letter from Mr. Middleton to Mr. Hastings which contains this offer,—we contend that, that offer appearing to have been made in February, and Mr. Hastings having taken no notice to Mr. Middleton of the subject, and making no answer till the 6th of May whether he should accept or refuse it, did set an example of the worst consequences to Mr. Middleton and all other persons acquainted with the transaction; leaving him with an idea that an offer of a present from the Wazir was an offer that Mr. Hastings might accept without any breach of duty to the Company, and thereby setting an example to Mr. Middleton and all others that, if such an offer were made to them, it was no part of their duty immediately and instantly to reject it.

We contend also that the very mode of rejection in this letter—all particular as it is and characteristic of this gentleman's peculiar manners—is also very defective; because the obvious reason that Mr. Hastings ought to have given for a refusal of this offer ought to have been, that he could not, by the law of his country and by the order of his masters, accept it. If he had made that proper answer to the Nawab, it would have been an answer beneficial to the interests of the Company and the good order and behaviour of their servants;

because it not only would have been a declaration to a considerable prince of that country that the servants of the Company would by no means accept the offer, a circumstance of which he was apprised, but it would have added an intimation of which he was not at all apprised—that the servants of the Company did mean to obey the laws of their country and the orders of their masters. 9 JUNE 1790.

There are several circumstances to be observed in this letter, of a peculiar nature. He says that he is precluded from accepting it by many conditions, but he does not even, as I stated before, enumerate his duty as one of these conditions. He says that the acceptance of such a sum at such a time, even in the Nawab's own breast, carried some doubts of the disinterestedness of his friendship to him. It is hardly credible that this letter should have been written with respect to an offer made in February, when we have proved, and the defendant has repeatedly confessed, that, prior to that, when the Nawab was in so much distress as, in the defendant's opinion, to justify a measure which nothing in the world could justify—he had then, with all his disinterested friendship to the Nawab, accepted of a present to the amount of ten lacs of rupees—100,000*l*. Why he should imagine that to accept it at the time of the treaty of Chunar—at the time when the Nawab was stipulating for advantages to himself from Mr. Hastings—that to accept at such a period 100,000*l*. was a proof of the disinterestedness of his friendship, I shall leave to him to explain. I am sure it was not a measure tending to impress the mind of the Nawab with the idea with which it ought to be impressed—that the servants knew their duty too well to have anything to do with any gifts whatever. However, there is in the latter part of this [letter] a clause, in which he begs the Nawab to consider that he will accept it on behalf of the Company with the same thankfulness; he says,—

Previous acceptance from the Nawab of 10 lacs.

His proposal to accept the present on behalf of the Company.

“I will accept it on their behalf with a thankfulness equal to that which I should have felt and expressed for the gift had it been made to myself,—the wants of the Company being at this time of equal concern to me as my own. Let him understand this subject rightly, and he will see in my refusal, thus qualified, the most convincing proof of my friendship to him.”

My Lords, it is evident by this that this letter comes from a person who has been in the habit of receiving presents, both from the Nawab Wazir and other persons in his situation; because he is so apprehensive that a circumstance

Indication of the habit of receiving presents.

2 JUNE 1780. which would appear so unusual and surprising to the Nawab—his refusing a present—should be considered by him as any mark of displeasure or any personal affront to him, that he thinks it necessary to use words of qualification and excuse, lest the Nawab should think this conduct, so new in Mr. Hastings, so extraordinary, so unexpected, was the result of any disinclination to him and his interest.

His general habit of concealing presents from his colleagues.

There are other very peculiar circumstances attending this present. In almost all those presents which I had the honour to state to your Lordships on Monday, however they differ in a variety of circumstances, with respect to the donors of them, with respect to the time and periods of their discovery, yet they have most of them one circumstance of similarity—I mean, that in no one instance did he ever communicate the receipt of any of these presents to any one of his colleagues in India, but in all of them, at some period or other, he boasts that he has communicated them to the ears of Directors. Was that a conduct of pure caprice or a conduct arising from guilt? He must state it to be a conduct arising neither from guilt nor caprice, but arising from an idea, prevalent in his mind, that the communication of these presents to his colleagues in India must be mischievous, and that the communication of them to the Directors in England was less exceptionable. He gives a reason for that which I do not well understand; but at the same time Mr. Hastings, I suppose, understood what he wrote, and supposes there is some force in it.

His pretended motive of wishing to avoid ostentation.

My Lords, in this letter from Cheltenham, which is in page 1152 of your Lordships' Minutes, he gives this reason; he says—"Nor do I know how I could have stated it"—that is, the money he had privately received—"without appearing to court favour by an ostentation which I disdained." I never did understand the meaning of that sentence; but if it has any meaning—if Mr. Hastings was afraid of courting the favour of his colleagues by an ostentation which he disdained—if he was afraid of that with respect to all the presents which I stated upon a former day—why was he not afraid of that upon this present?—and why does he, upon this occasion, make his boast that at the earliest opportunity he did convey to his colleagues the offer of this present? He certainly does convey it to Major Palmer, but he boasts afterwards that he did, at an earlier period, convey the information of this to Mr. Macpherson and his colleagues.

His communication to them of the Wazir's offer.

“Nor without the chance of exciting the jealousy of my 9 JUNE 1700.
colleagues by the constructive assertion of a separate and
unparticipated merit, derived from the influence of my sta-
tion, to which they might have laid an equal claim.”
 I do not pretend to translate or to explain these words; but, Inconsistency of conduct.
whatever it was that he feared—namely, “the chance of
exciting the jealousy of his colleagues by the constructive
assertion of a separate and unparticipated merit, derived
from the influence of his station”—why did not the fears of
his danger, whatever it may be, which I do not profess to
understand—why did they not operate with regard to this
present of February, 1782? and why did he act on that
occasion in diametrical opposition to all the principles he has
laid down as a justification for his conduct upon former
occasions? And, instead of writing to the court of Directors,
as he did upon former occasions, and withholding that
from his colleagues, why follow a precedent directly the
reverse—communicating it to his colleagues and withholding
it from the Directors?—for I do not know, excepting those
instructions which appeared near eighteen months after the
transaction, any instance in which he has communicated
to the court of Directors the proposal of this present.

I urge this in order to show that, if there was any
ground—if any man could conceive that there could be any
substance, or any shadow, or anything like a justification,
in all the excuses and reasons Mr. Hastings has given for his
conduct upon the former presents, all these must vanish
when you come to observe his conduct upon this present,
which is diametrically opposite and contradictory to all the
rules—strange and absurd as they were—which he laid
down as to money privately received for the use of the Com-
pany. And there is this distinction, that in all the other
presents he says—“The only way to benefit the Company
by these offers was to accept them for myself and conceal
the receipt of them from my colleagues; first to take
them to my own account, by a deposit or by a bond, and
afterwards credit them to the Company, either by cancelling
the covenant, endorsing the bond, or crediting them to them
in the Durbar charges.” Why take a different course—I
acknowledge it is a better course—in this instance? He
says directly to the Wazir—“Give it not to me, give it to
the Company.” That is a much better course of proceeding,
if he had gone on in it in a steady manner. But, if it
is possible for him to say that with regard to the Wazir’s

9 JUNE 1780. present in 1782, why could not he have said the same as to the present of 1781?—why not have said the same with regard to the other presents I stated on a former day?—why not have acted in the plain manner in which for once he seems to have acted in his return to the Wazir's offer?

My Lords, the part which I have stated hitherto is chiefly for these two purposes—first, as I stated before, to show the bad example which he set to all the servants of the Company under him; secondly, to show the inconsistency of his conduct upon this occasion with his conduct upon all other presents. But a further reason arises, which was offered in evidence in the course of last week, and to which I shall now call your Lordships' attention.

Mr. Hastings' dis-
position
against Middleton and
Johnson.

In the year 1782, somewhere, I believe, about the month of August, Mr. Hastings was much displeased with the conduct of Mr. Middleton and Mr. Johnson—with that of Mr. Johnson particularly, whom he sends for to answer to charges which he states to be of the most important kind: and he considered it as a matter of such importance, and Mr. Johnson to be in such a situation, as justified him in ordering him to be brought down to Calcutta under a guard with fixed bayonets.

His charge
against
Johnson of
counter-
acting the
design of
the Wazir to
transfer the
present to
the Com-
pany.

One of the articles of charge against Johnson appears to have been that he counteracted this design of Mr. Hastings, which was, to convert the present, intended by the Wazir to Mr. Hastings, into a subsidy to the Company; that he, by persuasion to the Nawab and his minister, had influenced the Nawab not to comply with his desire of transferring that present from Mr. Hastings to the Company. Upon this, Mr. Johnson enters into a defence, which is in page 1267 of your Lordships' Minutes. His defence upon this part of the charge, which I see was the third charge exhibited against him, is this—he admits the fact, but justifies it.

Johnson's
explanation.

"The act and intention, as far as I shall limit them, in admitting myself the cause of preventing the ten lacks mentioned from being at that time paid to the Company, are true. The reasons assigned for such prevention—'lest the Nabob should be again harassed,' &c.—are the minister's own words,—and objections made to me are transferred into my mouth. The mode also by message is likewise misrepresented: but that is immaterial. Suffice it for me to explain the act. I acknowledge fifty lacks were due in balance; all the Nabob's resources not promising to prove equal to discharge this balance, a new claim was, at the same instant, made of eighty-two lacks. The resources in my hands—the sole fund existing to answer both—the means [being] unequal to this end, the question remained, which of the two claims—the new or the old—should be first paid."

Balance of
50 lacks due
from the
Nawab.
A new claim
made of
82 lacks.
Insufficient
resources.

Your Lordships are to understand that these ten lacs 9 JUNE 1790.
make part and parcel of that eighty-two lacs—

"I did not hesitate one instant to declare that, if any of the assets placed in my hands should be attempted to be estranged from the purposes for which they were assigned, I should declare it a breach of treaty. They were to discharge the balances of years. The sole object of the late treaty and all the measures connected with it had this single point for their end. Could I, deeply pledged for the fulfilment of this treaty, subscribe to the total subversion of these measures, at the very moment of their completion in the termination of the year prescribed and allotted for their operation? I could not. I ought not. Therefore, I thus obstructed the whole,—of course the parts of that whole,—for the reasons above assigned, and no other whatever. Whether such a preference so given to a previous claim was criminal or meritorious, rests with the honourable Board to declare, when they recollect that retarding neither expunges or diminishes a claim. Permit me here to subjoin, had the ten lacs been uninvolved with the seventy-two, or had the aggregate sum not been required within the period left for liquidating the balances entrusted to me, or had not the assets lodged in my hands for this purpose been the sole funds from which such payment could be attempted, so far from impeding, even for a moment, such a claim, I should have been the first to support and urge it to its completion."

The 10 lacs offered as a gift part of the 82 lacs. Objections made to interference in the payment of the first balance.

Here your Lordships will observe that Mr. Johnson does defend himself upon very good grounds—that, there being assets in his hands to discharge the old debt from the Nawab to the Company, he would not suffer a new claim to come, knowing that these assets were all the assets in the Nawab's power. But this he speaks of with regard to the large claim of eighty-two lacs, seventy-two of which were for distinct purposes; and he freely and candidly confesses at the end—

Declaration that he would have supported the claims to the 10 lacs, if separated from the larger sum.

"If these ten lacs had been uninvolved with the seventy-two, or had the aggregate sum not been required within the period left for liquidating the balances entrusted to me, or had not the assets lodged in my hands for this purpose been the sole funds from which such payment could be attempted, so far from impeding, even for a moment, such a claim, I should have been the first to support and urge it to its completion." Upon this the Governor General delivers himself—

"I am morally certain that jaidads or assets for ten lacs, either in assignment of land or bills, had been prepared and were in the charge or possession of Mr. Middleton, before Major Palmer's arrival, and [were] left with Mr. Johnson on Mr. Middleton's departure. This sum was declaredly given for my use, but never accepted by me. The only advantage I made of the offer was to request the Nabob to transfer it, with the obligation still resting with equal weight upon my gratitude for the original destination of it, to the Company, for the relief of their pressing necessities."

Mr. Hastings' answer that assets for 10 lacs had been provided and left with Johnson.

By jaidads I understand are meant assignments. Mr. Hastings here, in answer to Johnson's defence, says—that

9 JUNE 1780. this is not a claim to be provided for by the Nawab, but that he is morally sure that jaidnads or assets, of some sort or other, were in Mr. Middleton's possession, and afterwards in Mr. Johnson's possession; which, if true, Mr. Johnson's defence is indeed a very bad one; because, if these had already been made out for that purpose, Mr. Johnson must have had them in his hand, and was accountable for the disposition of them, and had no excuse to plead whatever for either not accounting for them to the Governor General, for whom originally they were destined, or to the Company. He goes on,—

His admission that the payment might have distressed the Nawab, and not benefited the Company.

"The rectitude of this transaction depends essentially upon principles which every man feels and acknowledges in his own breast, but can hardly be judged by the test of any official rule. It might, indeed, have added to the Company's claims on the Nabob; so that I am not sorry that Mr. Johnson chose to defeat my intentions, since it would have added to the Nabob's distresses, but with no immediate relief to the Company."*

Here the Governor General confesses to have been very uncertain whether it would be beneficial or not to the Company; for, when he has accepted them from the Nawab, when he desired the Nawab to transfer them to the Company, when he accused Mr. Johnson for having dissuaded him from that, he says he thinks it was a good thing in Johnson, because "it would have added to the Nawab's distresses, but with no immediate relief to the Company." He is very easy at that intention being defeated, and declares, upon the whole, that it is much better defeated than if it had succeeded. With respect to the accusation against Johnson, he is a liberal judge upon this occasion; and he would be contented that the trial of him[self] in this House should be exactly as serious, as much in earnest, and proceed upon principles as judicial, as those of the trial of Johnson by him; because he concludes with saying—

Refers Johnson to the judgment of his own conscience.

Inconsistency in the disposal of the charge.

"If, in his own breast"—Johnson's breast—"he can view the several motives of this transaction, and on their testimony approve it, I also acquit him, as I do acquit him, of the charge on public ground."

He pretends to be in a rage with Mr. Johnson—~~sends~~ for him down with fixed bayonets; and one of the principal articles of charge against him is this—that he, Johnson, having, as he says, in his hands assets—no matter of what

* Observations of Mr. Hastings on Mr. Johnson's Defence; 21 Oct. 1781.—Printed in the "Minutes of the Evidence," p. 1,268.

kind—being for the purpose of discharging not the old debt but new—assets made out and given to him for the purpose of furnishing this present of ten lacs—instead of applying these assets in the way he ought, and instead of desiring the Nawab to fulfil his engagements and make them up to the sum of ten lacs, has dissuaded the Nawab from doing that which he, Mr. Hastings, had persuaded him to do for the sake of the Company. Johnson in his answer represents it with more truth, in some respects, as I shall show by and by. He represents it to be entirely a new claim, for which there were no assets whatever provided, and the furnishing of which was altogether to fall upon the assets which were in Johnson's hand—not for the purpose of the present of that ten lacs, but for the purpose of discharging the old arrear to the Company. What does Mr. Hastings? He says—"Upon the whole, it is not amiss that my scheme has failed. If Mr. Johnson looks at the motives of his own breast and they acquit him, I must acquit him." Exceedingly handsome and candid to Mr. Johnson! But how he can put it in that manner is extremely difficult to conceive, when he has said, that, notwithstanding all that Mr. Johnson has said, he is morally certain that jaidaads or assets for ten lacs, either in assignment of land or in bills, had been made out; that is, that Johnson had in his hands money for this object of which we have heard no more.

Mr. Hastings' opinion upon this subject is strengthened by Mr. Macpherson. Mr. Macpherson says, in a minute upon the same occasion, alluding to the communication he had of this transaction from the Governor General at the time—"I had understood at the time that the ten lacs were in bills, and not a mere offer to pay such a sum from the future revenues of the country." So that we have not only Mr. Hastings' opinion, that he is morally certain that the assets were made out at the time of the offer, that is, in February, 1782, but we have Mr. Macpherson's opinion, who had good communications from Mr. Hastings, who says, not only that he thinks so now, but that he had understood so at the time. Upon these grounds Mr. Macpherson is not so ready to acquit Mr. Johnson as Mr. Hastings. Mr. Macpherson observes that that is a matter that should be settled between Hyder Beg Khan and Mr. Hastings. Mr. Macpherson says it should be referred to the Directors. Mr. Hastings says so too.

Statement
of Mr. Mac-
pherson that
the 10 lacs
were in
bills.

JUNE 1790.

§ JUS 1709.

Formal
reference of
the case to
the Directors.

Mr. Johnson writes a letter to the secretary requesting a decision on the third charge, without reference to the court of Directors. They direct this answer by the secretary—

"I am directed by the Honourable the Governor General and Council to acknowledge their receipt of your letter of the 31st ult., in answer to which, as well as to your letter to me of the 4th instant, I am ordered to acquaint you that, the reference in your case to the Honourable the Court of Directors being intended to be made upon those general principles by which all the acts and proceedings of this Government are referred, in course, to them for their final approbation and confirmation, it stands as follows in the Board's General Letter to the court of Directors."

Therefore he does plainly acquaint this gentleman that he need be under no uneasiness; for, though referred to the court of Directors, it is only referred "in course," as all other transactions of the Board are,—that he is considered upon that charge as acquitted. Mr. Hastings was certainly of the same opinion. In page 1269 of your Lordships' Minutes, he says:—

"I perceive that Mr. Middleton has alluded, as Mr. Johnson has done, to certain unexplained claims made on the Nabob Vizier by M^r Palmer, amounting to eighty-two lacks of rupees. As neither explain them but speak of them as points of undoubted credit, I think it proper to declare my doubts and disbelief of them."

He declares he does not believe the fact of any claim to the amount of 82 lacs, or anything like it:—

"and to assign my reasons, as far as I can, in remote recollection of the little which I have ever known concerning them. Ten lacks of this sum have been explained by me to relate to a provision to that amount actually made, and, as I have ever understood, delivered to the President for its destined appropriation."

Persistence
of Mr. Hastings
in considering
the payment
of the 10 lacs
as provided
for.

Breach of
duty in
leaving the
assets in the
hands of
Johnson and
Middleton.

So that Mr. Hastings, in his minute upon Mr. Middleton's defence, persists clearly in that opinion which he held upon Mr. Johnson's defence—that he is clear that it was not a mere promise or an offer, but relates to a provision to that amount actually made, and, as he understands, delivered to the President. Here is another breach of duty which we point out to your Lordships—and I am sure you will think it no inconsiderable one—that when he, the Governor General, was convinced that assets had been actually given to Middleton, and which were in the hands of Johnson, for ten lacs—when he declares, in his minute upon Middleton's defence, that provision had been actually made for it—then he dismisses that entirely, leaving it in the hands of these gentlemen, and, for anything we know, participating in whatever provision had been made upon the subject.

There are so many circumstances with regard to the trial of Mr. Johnson that cause a suspicion upon it that they are not worth your Lordships' attending to. Mr. Middleton was then at Calcutta; and yet Mr. Middleton, who could have best then thrown a light upon this business, who was the original proposer of the present to Mr. Hastings, who was the person who had originally received these assets—if any such were given—Mr. Middleton, who was Resident at Calcutta at the time Mr. Johnson was accused of having defeated the Governor's intention upon that point, is never allowed to give any evidence upon that subject. And not only Mr. Middleton is not called, but Mr. Hastings, who declares that he does not believe in these large amounts of eighty-two lacs and the other demands on the Wazir, had actually in his hands, at that time, a letter which he had received from the Wazir, which does prove that these demands were actually made, and seems to prove that these ten lacs, which he states as a present voluntarily offered by the Wazir, were not a present voluntarily offered, but that they were in the shape of a demand from the Wazir by the Company—if it is the same. If not, which I may perhaps believe, then, exclusive of the ten lacs which the Nawab had actually provided for as a present to Mr. Hastings, there seems to have been another demand of ten lacs for the Company. Whatever you can make out of this dark and intricate affair, your Lordships must still think that there could be no justification whatever of Mr. Hastings, upon a trial of so important a point as this was with respect to Mr. Johnson's criminality, that he should have had Mr. Middleton in Calcutta and should not have examined him, and have had this letter of the Nawab, which I am now about to produce, and should never have produced it.

9 JUNE 1790.
Neglect of taking Middleton's evidence in the trial of Johnson.

Mr. Hastings in possession of a letter of the Wazir proving the demand of 10 lacs.

This letter from the Wazir was received fourteen months before the trial of Johnson upon this charge, and was, one should have thought, a pretty material letter with respect to this charge; yet produced it never was, nor ever did appear among any of the Company's papers till after Mr. Hastings' departure from Bengal. It is in page 1271 of your Lordships' Minutes.

"From the Vizier, received the 23d of August, 1782." "Major William Palmer and Mr. Davy have made known to me your orders respecting my authority in the country, with great regard and consideration, and have made me grateful for your favours. They asked for a paper of requests, which I, accordingly, wrote and gave to them. They afterwards spoke about ten lacks of rupees for the expenses of the

Letter of the Wazir.
Ten lacs demanded of him.

9 JUNE 1726. sircar of the Company: next they spoke should employ from the Company's treasury. Respecting these two articles, as Major William Palmer repeatedly said pleasure to the Nabob—meaning your Highness's obedience to your will, I wrote a letter to I agreed to, from which you will become ac-

Your Lordships will observe up does not seem to have understood him to convert ten lacs which he had different use and purpose than that it for, but he seems to consider it as a situation; for he says that, after the of requests, they spoke about ten lacs of the sircar of the Company. "they spoke about ten lacs which for and given to the Governor General might be otherwise appropriated," I ten lacs for the expenses of the agreed.

Demand of
60 lacs on
loan.

"They now say that, as important matter of the Company's Sircar, I must give six loan; that either I must borrow it from the relations, and take a bond, or give assignm two years, when this matter shall have been repaid my country, and the property shall To the utmost of my life I am not backward and your Highness' pleasure. By the blessing the times;—the full particulars of my country you. How shall I make known my situation these propositions have been made, all for After the death of the deceased Nawab, on the expenses of the army of the sircar of the I supported myself in a manner that I can resource equal to the necessary expenses. By ministers and selling the articles of my karkh transacted the business. But I could not so that some of my brothers, from their difficulties and the people of the Khord Mahault of the mothers, from their distresses are reduced difficulties. No man of rank is deficient in proportion to his ability.

"Notwithstanding the existence of these and ready to satisfy you; but never was the brigades, &c., received without a balance from the company; and yet the gentlemen, to the utmost of no neglect in taking assignments and a year that you, from your goodness, having distresses, recalled the brigade and battalions ment that all matters should be as in the time

ther, and discharged the balances to the Company's Sircar, 9 JUNE 1790.
 ared from my Board. Many years are required to relieve
 former distresses. I know that, as you, from real affection,
 me from the weight of expenses, I should have some small
 the necessary expenses at this time when propositions are
 ward. My brother and companions, from the resumption
 ers, are reduced to great affliction and distress. From the
 this town, should I request the loan of one or two lacs of
 cannot give it, having no resources. I have never been
 the friendship of the Company and obedience to your plea-
 e looked upon my difficulties as a cause of satisfaction, and
 dy to execute your commands. In these propositions I am
 nd confounded at my bad fortune, that I should have such a
 te friend as your Highness, and be involved in such a situa-
 ; answer can I give, and how can I support my life?
 y with your favour becomes easy; what is easy, by your
 mes difficult. Night and day pass in grief and affliction.
 loose my difficulties, or else call me to your presenee. I will
 our Highness, and whenever you shall give me my dismis-
 e favours and affection which belong to you, I shall return
 ry and be released from continual affliction."

ds, I particularly desire you to attend to that sen-
 re he says,—

His appeal
 to Mr. Hast-
 ings' friend-
 ship.

onished and confounded at my bad fortune, that I should
 compassionate friend as your Highness, and be involved in
 ion."

hed, my Lords, he might well be, because he con-
 self to have given a bribe to Mr. Hastings, in
 of September, at Chunar,—because he conceived
 have offered another bribe to Mr. Hastings in the
 February, 1782; and he says in different parts of
 —“when these propositions were made, after all I
 o the Company!” He says—“from the time that
 ositions have been made all judgment has left my
 I am astonished and confounded at my bad for-
 ; I should have such a compassionate friend as
 hness, and be involved in such distress;”—in
 ish—“I am astonished and confounded that you,
 bearance I thought I had bought, first with a
 100,000*l*. in September, and now with an offer of
 10,000*l*. in February, should still press upon me
 ds of the Company, in this enormous and extra-
 gree, which bring me to the very brink of ruin and

Confiding in
 the bribes
 given him.

ter Mr. Hastings has, and yet he never produces
 the trial of Mr. Johnson. And he says, in his
 on Mr. Middleton's business, that, with respect to
 ns to which Mr. Middleton, as well as Mr. Johnson,

Mr. Hast-
 ings' asser-
 tion of
 ignorance of
 the claim
 of 70 lacs.

9 JUNE 1793. have alluded—the seventy or eighty l
to these claims, he must say he does
he only knows of ten, and he thinks
was not only offered but actually pr
having this letter, and not producing i

Proof that
the Nawab
did give the
10 lacs.

But when you read that the charge
is, that he did, in point of fact, dis
giving to the Company that which Mr
him to give, your Lordships will :
whether dissuaded by Mr. Johnson or
as that matter is left to be settled betw
had been dissuaded by somebody. No
this letter, that, so far from being disse
Nawab actually does give them the m

“ On the subject of ten lacks of rupees you
Nabob Governor's pleasure is that I should gi
the Company's sircar. The Nabob Governor's
can make no excuses. Take ten lacks of ru
Company's sircar. But you have said that, i
affairs of the Company's sircar, you will ful
to the paper, as the Nabob Governor's per
respect to the two points of which you have
them, and will give for the expenses of the Co
rupees this year, and six lacks of rupees yearly
condition that I obtain my requests and autho
adjust my requests agreeable to the paper
Governor has given orders, and restore me to
concern.”*

Then it appears that, in point of
part of the charge against Mr. John
because it appears that, in point of
Hyder Beg Khan, nor any one else, di
from granting this money; but, in
been persuaded to it, and he actual
true he offers it under certain conditio
the conditions of a request, which, I
encouraged to make from the Governo

The 10 lacs
demanded
was the sum
offered in
February.

Supposing this was a demand of
the old ten lacs—a matter which I pre
able to decide—but supposing it the
in February, it is perfectly intellig
sends to the Nawab and says—“ Yo
which is kind; give it to the Compa

* Copy of letter from the Nawab Wazir to Major
bran; enclosed in the previous letter. “ Minutes o

will be as grateful as if it was given to myself." The Nawab 9 JUNE 1790.
 says—"Take all these things, but then grant me a paper of
 requests which the Governor has declared his approbation
 of:"—that is—"Let me see the Governor's gratitude in the
 same way as I should have seen it if this had gone to his
 own pocket, instead of the purse of the Company."

Mr. Hastings does not produce this letter. Mr. Hastings Reflections on Mr. Hastings' acquittal of Johnson.
 does not produce Mr. Middleton's evidence. He acquits
 Mr. Johnson upon the third charge, declaring that he is
 morally certain his assertions are false—that he is morally
 certain that those assignments were made out—but if, on
 appealing to the motives of his own mind, on their testimony
 he approves it—"I must acquit him." It is a candid
 acquittal—acquitting a man in this way; saying—"I am
 satisfied he has told a falsehood; I am morally certain
 of his guilt!" Though, for want of evidence, one might be
 induced to acquit such a person, yet one would not suppose
 that a person, who was morally certain in his own mind
 of his guilt, should consider him as an object of favour:
 but Mr. Hastings, in a very short time after, employs His subsequent employment of Johnson.
 Mr. Johnson in a most lucrative, important and trustful
 office—the office of an ambassador to the Nizam—showing
 clearly that all this complaint of Johnson, all this trial, was
 a farce.

But this, at least, we collect, from his bringing none of His neglect to obtain account of the 10 lacs for the Company.
 the evidence that it was necessary to bring—that this was,
 at least, true,—that Mr. Hastings knew that certain sums of
 money had been received, and he took no care for the Com-
 pany that that money should be any way accounted for
 whatever.

I do not like to hazard a conjecture of what I cannot Conjecture of sinister settlement between Mr. Hastings and Johnson.
 prove; but, if it be true that these assets were ever made
 out and ever given to Middleton and Johnson, then the
 matter may be explained in this way—that, being told that
 the assets were made out, and hearing no more of them,
 he might be angry with Johnson thinking he had appropri-
 ated them to his own use; Johnson might apply to
 Mr. Hastings, and Mr. Hastings and he might settle it
 together in any manner your Lordships can conceive. But
 that something was settled in a sinister manner appears clear
 upon the face of the thing; for it is impossible that any
 Governor could have made such a charge, that he should
 remain convinced, notwithstanding Johnson's asseverations,
 that that is the fact, and that he should immediately employ

9 JESS 1790.

Answer to
the asser-
tion that
the Wair's
letter might
have been
procured
from the
proper office.

him in an office of great emolument confidence: and, besides that, he did not which was applicable to this third charge having all that evidence in his hand.

I am aware, with respect to this letter Mr Hastings has said, in his replication that letter was in the proper office and produced. But we contend that we have sufficient evidence that that letter was in the office, and could not be produced by him, Mr. Hastings; to which evidence Lordships' leave, call your attention, given with respect to another charge must go back to the printed Minute where you will find them in page 799:

"At a Council at Fort William, 19th February 1781. [The Persian translator attending in obedience reports, that since the end of the year 1781 the correspondence kept in his office, because from Governor General's departure he was employed General to manage the correspondence, during Davy, the military Persian interpreter, paid by Lucknow. That during that whole period of entirely ignorant of the correspondence, as he was in vision except for a few papers, sometimes sent to which he always returned to them as soon as the translator has received from Mr. Scott, since the departure, a trunk containing English drafts Persian originals of letters and papers, with the language containing copies of letters written before January, 1785; and if the Board should please the General Department to furnish him with and drafts recorded in their consultations between and 31st January, 1785, he thinks that he should has found in Captain Scott's trunk, to make up that period.]

"Signed, EDWARD

The letter
not in the
Persian
translator's
office.

From this we prove that the assertion his reply is perfectly false and unfounded not be in the proper office—the Persian the proper office, and he declaring the period no such papers were in his office were transacted through another channel way in which he could make out the Persian was from a trunk given him by Major

tend, was not a public officer but the private agent of Mr. Hastings. In that trunk was this paper; and by no means but through Mr. Hastings himself could it come to the Board. 9 JUNE 1790.

I should hope that, upon these grounds, we have fully made out to your Lordships the second point of criminality which I stated. The first is the bad example set the Company's servants; the second being, not only the bad example set by this mock trial, but a criminal negligence in bringing to that trial persons whom, according to his own statement of the business, he considers and is morally certain to have had in their possession assets, given originally for him but destined by him to the Company, and which, it appears, they in no shape ever produced.

Let me say a word or two upon the circumstances of aggravation and the concomitant circumstances which throw much suspicion upon them. In the first place, would it not have been fit that, in an offer so suspicious as this of the ten lacs, it should have appeared, somewhere, through whom that offer was made? He says it was through Mr. Middleton. Why is Mr. Middleton's letter conveying the Nawab's offer kept secret? Why has not it appeared upon the Company's records? It is not in a situation to be produced to your Lordships at this moment. Secrecy in these matters is, to a considerable degree, a presumption of guilt. Circumstances of aggravation.
Secrecy as to the channel of the offer.

I would wish to call your Lordships' attention to a material part of the evidence, which is—the date of this transaction. He says the offer was made to him in February, 1782: the letter in which he makes the discovery of the 100,000*l*, the first present from the Wazir, is dated from Patna, the 20th of January, 1782. But, my Lords, we have proved that that letter did not leave Calcutta till the latter end of February, and that Mr. Hastings had arrived at Calcutta on the 5th of February. Therefore it is almost certain—I allow there is a bare possibility [of its being otherwise], by a few days—but it is almost certain, that Mr. Hastings had actually received the intelligence of the offer of this second present at the time he sent away his letter giving an account of the first. But it matters not to me whether he had or not. In that letter of the 20th of January, he speaks of a present from the Wazir, desires the Company will give it him, but promises that whenever it is completed he will send them an account of it—a promise which he afterwards says entirely escaped his recollection. But, Mr. Larkins putting him in mind of this promise, he goes beyond his Date of the transaction.
Omission of the 10 lacs, in his account to the Directors of all presents offered him.

9 JUNE 1870. promise; he says—"I thought it right that which I promised, but all that was spirit"—as he calls it—"of that promise of performing not only the letter but the promise, he sends an account of a sum, all received at different periods, in connection whatever with that present he is Wazir.

Now, he having carried the spirit of which promise was simply to give an account which he had received in consequence of the Wazir, in the month of September, he carried it so far as to say that it included in him to give an account of all the money which would your Lordships conceive that would be a great circle this latter circumstance fallen, that, within a few days after the account of that present of ten lacs, he offered ten lacs more, to which he did not give time, whether he meant to receive it or not, he supposed he would have thought "ten lacs more were offered, which I refused myself, but take for your account, or not." There is no mention made of these sums.

His object
to confound
the two
presents.

If I am asked, for one, how I account for this, I must own I cannot account for it upon any other ground than said upon a former occasion. But yet I have great suspicion that, in informing the Directors of the Company of the presents, and in concealing that from his colleagues, and in informing his colleagues of another present, he might think that he could proceed from the Directors, he might think that he could establish a kind of confusion and misapprehension of the presents, and that, in fact, Mr. Macgregor was informed of one and the Directors of another, and he supposed that they were one and the same, and that if the Directors should be disposed to inquire into the matter, they might conceal and put the other in his place.

Suspicion
resulting
from all the
circumstances.

The whole of this transaction is involved in great suspicion, and is out of my power to unravel, but which is of great suspicion. His conducting Johnson and Middleton in the manner in which he conducted them—his expressing that he was indebted to the amount of ten lacs of rupees to the directors of Johnson or Middleton, and so

remain in their possession—was showing an indifference about the Company's property which would be blameable to the last degree in any inferior servant, but which, in the situation of a Governor General, in my idea, amounts to a high crime and misdemeanour.

We have shown this to be attended with mischievous circumstances of every kind, and have shown that every pretence upon this present is directly at war with, and in hostility and enmity with, every pretence he has set up for his conduct upon former presents; for if, in former presents, he did right to keep them from his colleagues, in order that he might not excite their jealousy by the constructive assertion of a separate and unparticipated merit—if all that was so formidable, as he states it to be—all I can say is, that all that danger and mischief he did directly incur with respect to this present. I do not lay the communication as a complete crime, but that it shows that he might safely have communicated all the rest to his colleagues, and that all the reasons he gives for withholding the former presents from his colleagues have no truth in them, but are only pretences invented since, which he did not believe, but which pretences were set up to justify a conduct much more easily explained upon the more obvious ground of his having intended to keep these presents originally to himself.

Inconsistency of conduct in respect to other presents.

There is one trait runs throughout all his conduct with respect to receiving money. It was said by a great orator of a great statesman and general, "*in rebus publicis nihil simplex, nihil apertum, nihil honestum*;"—a very great charge upon any man in his public concerns, and a charge much heavier when applied to Mr. Hastings in his pecuniary concerns; for I do not know how a character or description can be given of a dishonest man more completely than this—that in all pecuniary concerns there is never anything plain, anything open, or anything honourable. That is the character of Mr. Hastings in these pecuniary concerns which I have stated, and in this very present which he has refused. There are many traces of that obliquity, that concealment and that mystery, in this present which we cannot prove him to have accepted, as in all those which he has accepted; and it is fortunate for us in this instance, because it serves to prove that all he sets up upon the other occasions were pretences, which he treated with the same contempt as your Lordships, and every one who has heard of this case, I believe, has universally treated them.

Want of honesty in money transactions.

9 JUNE 1796.

The 7th
Article of
the Charge.Adminis-
tration of
the revenue.Connection
of the
charge with
that of
bribery.The presents
charged
taken from
renters of
land.The appoint-
ment of
amins, and
the destruc-
tion of the
provincial
Councils.Difficulty of
referring
to the
evidence on
amins.

I have now drawn your Lordships' attention of the fourteenth Article, to which, at intention of drawing it. I now come seventh Article upon which we have per year before your Lordships.

My Lords, I now come to the subject of the revenue. To those who whole of this great cause this might view, to be a very distinct and separate which contains matter of corruption your Lordships, who have undoubtedly dence, as it has occasionally been laid not necessary to explain that they have very intimate connection; because I have not forgotten—and therefore it is for me more than cursorily to remind sents which were produced on Monday taken from princes, commanders of a political presents—but were presents of land, under the idea, some of them—supposed to be a better word for also means a fine—presents taken on revenue—and that nearly one half of them proved were taken, in some shape or of land. Your Lordships have not forgotten the persons concerned in these transactions forgotten the name of Crofts, the name still less have you forgotten the name Gunga Govind Sing, who appears in Mr. Hastings' transactions with respect you advert to every part of this charge these well-known names again—upon them you will be led to suspect what you proved.

The two points which I mean to present upon the subject of the revenue are, amins, in the year 1776, and the destruction of the provincial Councils and the substitution of a committee in their stead, in the year 1781.

With respect to the institution of amins Lordships in evidence on Monday some to it. The difficulty of referring you arises from the circumstance of the evidence given so lately that it is not yet possible

at point it out in the printed evidence to your Lord-
 , but I have a state of it here which I will read, and I
 say your Lordships will find the printed evidence cor-
 responding with it. Undoubtedly if it does not, so far forth
 it be conceived to be mistaken.

y Lords, in a more early stage of this cause, we laid
 al papers before your Lordships, which are in pages
 , 1172 and 1178, of your Minutes, which proved that
 Directors did consider, as in my opinion they ought to
 der, the Act of Parliament in the year 1773, as entrust-
 he Governor General and Council with the administra-
 of the revenue in Bengal, and making it a duty upon
 to execute it, which they had no right whatever to
 gate. We also showed you, from the same evidence, that
 opinion of Mr. Hastings respecting delegation was the
 ; that he conceived the Governor General and Council
 no right whatever to delegate their powers; but, above
 he objected to partial delegation—that he conceived the
 le must be delegated or none; for if, in fact, the Gover-
 General and Council were to delegate any particular
 of their power, they would be giving the colour and
 tion of their names to acts of which they could by no
 as be a judge.

Adminis-
 tration of
 the revenue
 specially
 committed
 to the
 Governor
 and Council.

No right of
 delegation
 of the duty.

he court of Directors were of the same opinion, and con-
 ed all kinds of delegation of authority improper. Not-
 standing this, it suited Mr. Hastings' purpose, in the year
 , to delegate to certain amins the most considerable power
 i this subject, perhaps, that was ever delegated to any set
 en. He constitutes and appoints amins, and gives them
 ral power as inquisitors to make inquiry by interroga-
 s, or whatever means they could, into the value of
 y landed estate throughout the dominions of the Com-
 in the East, by forcing all title deeds from their owners;
 ort, having a power by force to collect from them every
 es of verbal evidence, and every species of written docu-
 t which they thought might be of assistance to them in
 : inquiries into the value of these lands. He was not
 fied with this, but he entered the following minute,
 h was read on Monday:—

Delegation
 of authority
 to amins to
 inquire into
 the value of
 estates.

overnor General.—I move that the following letter be written to
 hief and Council at Moorshedabad.
 Complaint having been made by Ram Kam Bose, the aumeen of
 eah, that many of the jemindary officers refuse to deliver to him
 counts of the collections under their charge, and, in other respects
 se him in the execution of his commission, we hereby positively

Mr. Hast-
 ings' minute.

9 JUNE 1790. have alluded—the seventy or eighty laes—that, with re-
 — to these claims, he must say he does not believe in it
 he only knows of ten, and he thinks that that claim of
 was not only offered but actually provided. This he
 having this letter, and not producing it in evidence.

Proof that
 the Nawab
 did give the
 10 laes.

But when you read that the charge against Mr. Job
 is, that he did, in point of fact, dissuade the Nawab
 giving to the Company that which Mr. Hastings had de
 him to give, your Lordships will at least suppose
 whether dissuaded by Mr. Johnson or by Hyder Beg Kh
 as that matter is left to be settled between them—at lea
 had been dissuaded by somebody. Now, it will appear f
 this letter, that, so far from being dissuaded by anybody,
 Nawab actually does give them the money. He says:—

“ On the subject of ten lacks of rupees you repeatedly have said th
 Nabob Governor's pleasure is that I should give them for the expen
 the Company's sircar. The Nabob Governor's will is binding upon m
 can make no excuses. Take ten lacks of rupees for the expenses o
 Company's sircar. But you have said that, if I am willing to ass
 affairs of the Company's sircar, you will fulfil my requests, agre
 to the paper, as the Nabob Governor's permission is arrived. I
 respect to the two points of which you have spoken, I agree to let
 them, and will give for the expenses of the Company's sircar ten lac
 rupees this year, and six lacks of rupees yearly in lieu of regiments, i
 condition that I obtain my requests and authority. It is proper that
 adjust my requests agreeable to the paper upon which the N
 Governor has given orders, and restore me to the management of c
 concern.”²

Then it appears that, in point of fact, the whole of t
 part of the charge against Mr. Johnson is entirely fal
 because it appears that, in point of fact, neither he, r
 Hyder Beg Khan, nor any one else, did dissuade the Naw
 from granting this money; but, in point of fact, he h
 been persuaded to it, and he actually offers it. But it
 true he offers it under certain conditions—he offers it un
 the conditons of a request, which, he says, he has be
 encouraged to make from the Governor.

The 10 laes
 demanded
 was the sum
 offered in
 February.

Supposing this was a demand of a new ten laes or
 the old ten laes—a matter which I profess myself not to
 able to decide—but supposing it the old ten laes offer
 in February, it is perfectly intelligible. Mr. Hastings
 sends to the Nawab and says—“ You offer this presen
 which is kind; give it to the Company, not to me, and

² Copy of letter from the Nawab Wazir to Major Palmer, dated 19th Feb
 is enclosed in the original letter. “ Minutes of the Evidence,” p. 127.

grateful as if it was given to myself." The Nawab 9 JUNE 1790.
 Take all these things, but then grant me a paper of
 which the Governor has declared his approbation
 it is—"Let me see the Governor's gratitude in the
 as I should have seen it if this had gone to his
 et, instead of the purse of the Company."

Hastings does not produce this letter. Mr. Hastings
 produce Mr. Middleton's evidence. He acquits
 upon the third charge, declaring that he is
 certain his assertions are false—that he is morally
 hat those assignments were made out—but if, on
 to the motives of his own mind, on their testimony
 ves it—"I must acquit him." It is a candid
 —acquitting a man in this way; saying—"I am
 he has told a falsehood; I am morally certain
 ilt!" Though, for want of evidence, one might be
 o acquit such a person, yet one would not sup-
 a person, who was morally certain in his own mind
 ilt, should consider him as an object of favour:

*Reflections
 on Mr. Hast-
 ings' acquit-
 tal of
 Johnson.*

Hastings, in a very short time after, employs
 son in a most lucrative, important and trustful,
 e office of an ambassador to the Nizam—showing
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*His subse-
 quent em-
 ployment of
 Johnson.*

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*His neglect
 to obtain
 account of
 the 10 lacs
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 Company.*

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*Conjecture
 of sinister
 settlement
 between
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 ings and
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 could have made such a charge, that he should
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 is the fact, and that he should immediately employ

9 JUNE 1790.

Answer to
the asser-
tion that
the Wazir's
letter might
have been
procured
from the
proper office.

him in an office of great emolument, and great trust and confidence: and, besides that, he did not bring any evidence which was applicable to this third charge against Johnson, having all that evidence in his hand.

I am aware, with respect to this letter of the Nawab, that Mr Hastings has said, in his replication to our charges, that that letter was in the proper office and might have been produced. But we contend that we have produced ample and sufficient evidence that that letter was not in the proper office, and could not be produced by any other person than him, Mr. Hastings; to which evidence I will now, with your Lordships' leave, call your attention. This evidence was given with respect to another charge, and therefore you must go back to the printed Minutes of the year 1788, where you will find them in page 799:—

"At a Council at Fort William, 19th February, 1785. Present, etc.

[“The Persian translator attending in obedience to the Board's order, reports, that since the end of the year 1781 there have been no books of correspondence kept in his office, because from that time until the late Governor General's departure he was employed but once by the Governor General to manage the correspondence, during a short visit which Major Davy, the military Persian interpreter, paid by the Governor's order to Lucknow. That during that whole period of three years he remained entirely ignorant of the correspondence, as he was applied to on no occasion except for a few papers, sometimes sent to him by the secretaries, which he always returned to them as soon as translated. The Persian translator has received from Mr. Scott, since the late Governor General's departure, a trunk containing English drafts and translations, and the Persian originals of letters and papers, with three books in the Persian language containing copies of letters written between August, 1782, and January, 1785; and if the Board should please to order the secretaries of the General Department to furnish him with copies of all translations and drafts recorded in their consultations between the 1st January, 1782, and 31st January, 1785, he thinks that he should be able, with what is has found in Captain Scott's trunk, to make up the correspondence for that period.]

“Signed, EDWARD COLERIDGE,
“ Persian translator.”

The letter
not in the
Persian
translator's
office,

From this we prove that the assertion of Mr. Hastings in his reply is perfectly false and unfounded, for that it could not be in the proper office—the Persian translator's being the proper office, and he declaring that during the whole period no such papers were in his office whatever—that they were transacted through another channel, and that the only way in which he could make out the Persian correspondence was from a trunk given him by Major Scott, who, we con-

tend, was not a public officer but the private agent of Mr. Hastings. In that trunk was this paper; and by no means out through Mr. Hastings himself could it come to the Board. 9 JUNE 1790.

I should hope that, upon these grounds, we have fully made out to your Lordships the second point of criminality which I stated. The first is the bad example set the Company's servants; the second being, not only the bad example set by this mock trial, but a criminal negligence in bringing to that trial persons whom, according to his own statement of the business, he considers and is morally certain to have had in their possession assets, given originally for him but destined by him to the Company, and which, it appears, they in no shape ever produced.

Let me say a word or two upon the circumstances of aggravation and the concomitant circumstances which throw much suspicion upon them. In the first place, would it not have been fit that, in an offer so suspicious as this of the ten years, it should have appeared, somewhere, through whom that offer was made? He says it was through Mr. Middleton. Why is Mr. Middleton's letter conveying the Nawab's offer kept secret? Why has not it appeared upon the Company's records? It is not in a situation to be produced to your Lordships at this moment. Secrecy in these matters is, to a considerable degree, a presumption of guilt. Circumstances of aggravation. Secrecy as to the channel of the offer.

I would wish to call your Lordships' attention to a material part of the evidence, which is—the date of this transaction. He says the offer was made to him in February, 1782: the letter in which he makes the discovery of the 100,000*l.*, the first present from the Wazir, is dated from Patna, the 20th of January, 1782. But, my Lords, we have proved that that letter did not leave Calcutta till the latter end of February, and that Mr. Hastings had arrived at Calcutta on the 5th of February. Therefore it is almost certain—I allow there is a bare possibility [of its being otherwise], by a few days—but it is almost certain, that Mr. Hastings had actually received the intelligence of the offer of this second present at the time he sent away his letter giving an account of the first. But it matters not to me whether he had or not. In that letter of the 20th of January, he speaks of a present from the Wazir, desires the Company will give it him, but promises that whenever it is completed he will send them an account of it—a promise which he afterwards says entirely escaped his recollection. But, Mr. Larkins putting him in mind of this promise, he goes beyond his Date of the transaction. Omission of the 10 *lacs*, in his account to the Directors of all presents offered him.

9 JUNE 1790. promise; he says—"I thought it right that which I promised, but all that was spirit"—as he calls it—"of that promise of performing not only the letter but promise, he sends an account of a sums, all received at different periods, in connection whatever with that present he has Wazir.

Now, he having carried the spirit of it which promise was simply to give an account which he had received in consequence of Wazir, in the month of September, at carried it so far as to say that it included in him to give an account of all the money would your Lordships conceive that with and great circle this latter circumstance fallen, that, within a few days after account of that present of ten lacs, he of ten lacs more, to which he did not give time, whether he meant to receive it or have supposed he would have thought it "ten lacs more were offered, which I myself, but take for your account, or what There is no mention made of these sums.

His object
to confound
the two
presents.

If I am asked, for one, how I account must own I cannot account for it upon said upon a former occasion. But yet suspicion that, in informing the Directors concealing that from his colleagues, an informing his colleagues of another proceeded from the Directors, he might think to establish a kind of confusion and mist presents, and that, in fact, Mr. Macph informed of one and the Directors of or supposed that they were one and the same if the Directors should be disposed to might conceal and put the other in his place.

Suspicion
resulting
from all the
circumstances.

The whole of this transaction is involved is out of my power to unravel, but which of great suspicion. His conducting Johnson and Middleton in the manner in which they were conducted them—his expressing that he was assets to the amount of ten lacs of rupees of Johnson or Middleton, and an

remain in their possession—was showing an indifference about the Company's property which would be blameable to the least degree in any inferior servant, but which, in the situation of a Governor General, in my idea, amounts to a high crime and misdemeanour.

We have shown this to be attended with mischievous circumstances of every kind, and have shown that every pretence upon this present is directly at war with, and in hostility and enmity with, every pretence he has set up for his conduct upon former presents; for if, in former presents, he had right to keep them from his colleagues, in order that he might not excite their jealousy by the constructive assertion of a separate and unparticipated merit—if all that was so formidable, as he states it to be—all I can say is, that all that danger and mischief he did directly incur with respect to this present. I do not lay the communication as a complete crime, but that it shows that he might safely have communicated all the rest to his colleagues, and that all the reasons he gives for withholding the former presents from his colleagues have no truth in them, but are only pretences invented since, which he did not believe, but which pretences were set up to justify a conduct much more easily explained upon the more obvious ground of his having intended to keep these presents originally to himself.

Inconsistency of conduct in respect to other presents.

There is one trait runs throughout all his conduct with respect to receiving money. It was said by a great orator of a great statesman and general, "*in rebus publicis nihil impuler, nihil apertum, nihil honestum*;"—a very great charge upon any man in his public concerns, and a charge much heavier when applied to Mr. Hastings in his pecuniary concerns; for I do not know how a character or description can be given of a dishonest man more completely than this—that in all pecuniary concerns there is never anything plain, anything open, or anything honourable. That is the character of Mr. Hastings in these pecuniary concerns which I have stated, and in this very present which he has refused. There are many traces of that obliquity, that concealment and that mystery, in this present which we cannot prove him to have accepted, as in all those which he has accepted; and it is fortunate for us in this instance, because it serves to prove that all he sets up upon the other occasions were pretences, which he treated with the same contempt as our Lordships, and every one who has heard of this case, I believe, has universally treated them.

Want of honesty in money transactions.

9 JUNE 1790.

9 JUNE 1780.

The 7th
Article of
the Charge.Adminis-
tration of
the revenue.Connection
of the
charge with
that of
bribery.The presents
charged
taken from
renters of
land.The appoint-
ment of
amins, and
the destruc-
tion of the
provincial
Councils.Difficulty of
referring
to the
evidence on
amins.

I have now drawn your Lordships' attention of the fourteenth Article, to which, at intention of drawing it. I now come seventh Article upon which we have produced year before your Lordships.

My Lords, I now come to the subject of the revenue. To those who view the whole of this great cause this might appear to be a very distinct and separate Article which contains matter of corruption against your Lordships, who have undoubtedly proved its existence, as it has occasionally been laid upon me. It is not necessary to explain that they have a very intimate connection; because I am sure I have not forgotten—and therefore it will be for me more than cursorily to remind your Lordships of presents which were produced on Monday last, taken from princes, commanders of armies, and political presents—but were presents of land, under the idea, some of them of a fine—supposed to be a better word for a fine—also means a fine—presents taken on revenue—and that nearly one half of the presents proved were taken, in some shape or form, from the land. Your Lordships have not forgotten the persons concerned in these transactions; you have not forgotten the name of Crofts, the name of Gunga Govind Sing, who appears in Mr. Hastings' transactions with respect to the land. You advert to every part of this charge, and these well-known names again—upon this you will be led to suspect what you have proved.

The two points which I mean to produce upon the subject of the revenue are, the appointment of amins, in the year 1776, and the destruction of the provincial Councils and the substitution of a committee in their stead, in the year 1781.

With respect to the institution of amins, Lordships in evidence on Monday some time ago to it. The difficulty of referring your Lordships to the evidence on amins arises from the circumstance of the evidence being given so lately that it is not yet printed.

point it out in the printed evidence to your Lord- 9 JUNE 1790.
but I have a state of it here which I will read, and I
say your Lordships will find the printed evidence cor-
ding with it. Undoubtedly if it does not, so far forth
be conceived to be mistaken.

Lords, in a more early stage of this cause, we laid Adminis-
l papers before your Lordships, which are in pages tration of
1172 and 1178, of your Minutes, which proved that the revenue
irectors did consider, as in my opinion they ought to specially
er, the Act of Parliament in the year 1773, as entrusted committed
e Governor General and Council with the administra- to the
f the revenue in Bengal, and making it a duty upon Governor
to execute it, which they had no right whatever to and Council.
te. We also showed you, from the same evidence, that
inion of Mr. Hastings respecting delegation was the
that he conceived the Governor General and Council
o right whatever to delegate their powers; but, above
objected to partial delegation—that he conceived the
must be delegated or none; for if, in fact, the Gover-
ner General and Council were to delegate any particular
f their power, they would be giving the colour and
on of their names to acts of which they could by no
be a judge.

No right of
delegation
of the duty.

e court of Directors were of the same opinion, and cond-
d all kinds of delegation of authority improper. Not-
standing this, it suited Mr. Hastings' purpose, in the year
to delegate to certain amins the most considerable power
this subject, perhaps, that was ever delegated to any set
n. He constitutes and appoints amins, and gives them
al power as inquisitors to make inquiry by interroga-
or whatever means they could, into the value of
landed estate throughout the dominions of the Com-
in the East, by forcing all title deeds from their owners;
ort, having a power by force to collect from them every
s of verbal evidence, and every species of written docu-
which they thought might be of assistance to them in
inquiries into the value of these lands. He was not
ed with this, but he entered the following minute,
was read on Monday:—

Delegation
of authority
to amins to
inquire into
the value of
estates.

vernor General.—I move that the following letter be written to
ief and Council at Moorshedabad.
omplaint having been made by Ram Kam Bose, the aumeen of
ah, that many of the jemindary officers refuse to deliver to him
ounts of the collections under their charge, and, in other respects
him in the execution of his commission, we hereby positively

Mr. Hast-
ings' minute.

9 June 1784. direct that, on any complaint being made from any other ameen who have been deputed immediately take the most effectual means to authority, by causing such papers of the collector conformably to their instructions, to be so compelling the attendance of such revenue by the ameen to explain them, and by any who shall dare openly to oppose or disobey in these instances."

Power of corporal punishment given to the ameen.

My Lords, by this minute he gives by corporal punishment, by torture, or ever, any of the investigations which and which he chooses to call "the order is material to observe to your Lord mean by "orders of government" is a government. For he begins with document of Bengal, and declares that the warrant shall be sufficient without Council; and he begins by destroying established, not by the Directors, but Parliament of Great Britain. He substitutes, and then says, that whoever does that which he, in mockery and insult, is, his own arbitrary and positive order any corporal punishment that shall against instruments to inflict.

Character of persons employed as ameen.
Gunga Govind Sing.

It will be material for your Lordships these his instruments. One is Mr. Gunga Govind Sing—Gunga Govind Sing. I beg leave to make these two he had been dismissed for a delinquent diwan of the Calcutta Committee, past evidence of a man called Cumal-ud-Dence, if your Lordships knew as much would undoubtedly not give much credit of what has been done upon the evidence your Lordships had a power of listening, would cause more indignation, as any of the things we can have to state cause. But, not only upon the evidence Khan, but upon his own confession, was Sing dismissed from the office of diwan dismissed, Mr. Hastings chooses to en-

amin—that is, inquisitor general—with a power to inflict 9 JUNE 1790.
every species of punishment, torture or otherwise.

And your Lordships have not forgotten that he, not only Agent for receipt of bribes for Mr. Hastings.
appears to have been a culprit, with respect to the delinquency for which he was dismissed, but—which your Lordships ought never to put out of your mind—that he was **Mr. Hastings'** instrument in the receipt of many of the bribes which I had the honour of proving on Monday. This man, whom we have proved to be a man of notorious and infamous character—this man, whom we have proved **Mr. Hastings'** bribe-broker, and actually dismissed from his office of diwan—**Mr. Hastings** thinks fit to employ as inquisitor general into the circumstances of every man's estate in that country, and into all the value of every part of that province.

I presume that I need not say any more to convince your Criminality in appointing the amins.
Lordships that this is a matter of actual and substantive guilt; when the Act of Parliament prevented him from it; when he had the orders of the Directors specifically acquainting him that they were of opinion, as much as he, not only against any partial delegation, but any delegation whatever; and when he had confirmed their opinion repeatedly by his own—that all delegation was improper. Upon that ground, and that ground alone, I shall demand justice upon him for a misdemeanour, for appointing these amins with these extraordinary and extravagant powers, contrary to his duty as a servant of the Company, and contrary to his duty as a member of that Council established by law.

But, in order to take away from him all pretence of error Admission by Mr. Hastings that their appointment was nugatory.
in this business, and all pretence of considering this as a doubtful crime or a trivial one, or an error in judgment, or that which **Mr. Hastings** did not know to be criminal, we have produced to your Lordships a declaration of **Mr. Hastings**, in which he declares the whole purpose of the existence of these amins to be absolutely nugatory and without foundation. For what was the pretence of establishing these amins? It was to investigate into the state of the revenue of the provinces and into the value of the different estates. We produced, in page 1171 of your Lordships' Minutes, a plan for a future settlement proposed by **Mr. Hastings** and **Mr. Barwell**, some time before the institution of these amins. "The ascertaining of the value of the several districts has been sufficiently accomplished, but we will not say the Acknowledgment that the value of the
desired improvement has in general taken place. It has

9 JUNE 1790.

estates had
been previously
estimated.

Corrupt
motives in
the appointment.

been chiefly obstructed by a circumstance which could not have been foreseen; we mean the farmers had a higher revenue than the districts could bear.

But, my Lords, whatever he may say, the improvement made or not, and how that could not have been foreseen which must have been foreseen, whatever may be the opinion upon the subject, the evidence has received the value of the districts to have been ascertained. Now let me ask upon this point your judgment—whether you conceive it to be just to say—but whether you conceive it to be just to have appointed these amins for any other than honest and profligate designs?—because, he has disobeyed the Directors in that act, he has acted in concert with this extravagant and exorbitant vexation and destruction of the whole purpose? Will not your Lordships say that measure ought at any time to be adopted and justified upon a strong plea of necessity? Ignorance of the state of the districts? That alone a poor plea. You ought to prove that there were no other means to gain the value of those districts which was necessary to be ascertained; that you could not find any milder, more regular, more humane, more than disobeying Acts of Parliament, more than arbitrary and tyrannical power, without which you could do nothing whatever. Is that the plea? We need not say it was not necessary, but that there was no other means to induce him to do it; for that he did not ascertain the value of the districts, he himself has been formally to his masters, and upon ever a new plan for the settlement of the revenue of the districts was originally ascertained by Mr. Hastings' mind, was so.

Then I defy him—I defy his Counsel to show the ingenuity of man—to define to me any other reason of criminality, that could induce him to thought the value of the lands ascertained in a few months after, to erect inquisitors in every part of the country, with the power I have stated in the Government of the power given them by the Act, to substitute himself and his cursed agents, and they might execute every inquisitorial power.

and destruction of the inhabitants of Bengal. To do what? 9 JUNE 1790.
To do that which he himself has said was not necessary to
be done, because it was done previously, to his complete and
entire satisfaction.

This appears so clear to me that I should not think it
necessary to confirm my opinion [by that] of the Directors
is masters. When they received this intelligence, they
were under all the surprise which your Lordships may easily
imagine; and I will point out that passage in the evidence
of your Lordships in which they express it. It is in
page 1170:—

Surprise of
the Direc-
tors at the
measure.

"In regard to the idea of deputing natives on occasional investiga-
tions, we are really astonished at such a proposition. If a Committee
of Circuit and Council of Revenue, composed of the most intelligent and
respectable characters in our service, and armed with all the power of the
residency, have failed in their attempts to obtain necessary information,
from whence are these natives to procure it? And if collusions have
been practised by members of administration when deputed into the
districts, what reason have we to expect that the conduct of native depu-
ties, who cannot be ignorant of former transactions, will be found more
exceptionable than that of their superiors? It will certainly be
allowed that they are liable to great temptations, because their report
must determine, in some degree at least, the amount of revenue to be
taken from those districts which are to be the subjects of their investiga-
tion. The minutes of General Clavering and Mr. Frances leave us little
to add on this disagreeable subject. Their reasons against delegating a
separate power of controul to the Governor are solid and judicious; and
we are happy in declaring that their conduct on the occasion meets
with our approbation."

Expression
of their
disapproval.

My Lords, they afterwards say in another letter—

"As the whole of the measure is equally repugnant to our ideas of
humanity and sound policy, we have only to add that, if one part of the
Governor General's plan be more exceptional than the rest,"—

Second
letter to the
same effect.

Among such a load of crime and guilt, it was difficult to
decide which had the pre-eminence—

it is that order which enjoins the provincial chief and Council, on
any complaint made by any aumeen, to support and enforce the author-
ty of the said aumeens, by compelling the attendance of such native
revenue officers as the aumeens might require, and by arresting and
punishing those who should dare to oppose or disobey what is styled by
the Governor General and Mr. Barwell 'the orders of Government' in
those instances." *

In my opinion, the court of Directors speak there with a
becoming spirit; for it was undoubtedly an insult upon

* Extract from letter of the Directors to the Governor General and Council
of Calcutta, dated 30th January, 1788.—Printed in the "Minutes of the
Evidence," p. 1300.

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Punishment
of the
natives dis-
obeying the
orders.

them to style those the orders of G among, as I say, that load and heap appears in this whole transaction, they stands criminally eminent, it is, und liable to punishment, and to punish the natives of that miserable country orders—not of Government, but of th ings—as he was upon that occasion, t his tyrant slave, Gunga Govind Sing.

They also express, upon the subje Sing, the same honest indignation say—

The Direc-
tors' disap-
proval of
Gunga
Govind Sing.

"The Roy Royan was the original channel as require the interposition of a native, and whose dismissal from the Calcutta Commit improper person to transact affairs of such mo

My Lords, I have already stated th priety of a native being employed in they do, undoubtedly, particularly di priety of employing Gunga Govind Si as a native disqualified in that respect, said, unfit for any trust in their serv missed for a former delinquency. I ca the court of Directors have said upo fore I beg Mr. Hastings and his Cou necessary to answer me upon this point his masters; let them answer, not accusers, but the judgment passed up were his lawful masters, and those bound to obey. Let him answer it if I

Necessity of
punishment
for example's
sake.

In my opinion, if this single crime punished, you would set an example, wi government of India, that must do no good that can be accepted from any la which the wisest Parliaments that ever government of a distant country. Di always be governed with considerable the governors of them. That confide some degree, as great as the situation tance of India makes much confidence pass laws for the government of India done all that human wisdom can sugg part must depend upon the integrity, virtue, of the governors sent there. Th

let pass unpunished this notorious breach of duty, this open violation of an Act of Parliament, and this establishment of a tyranny more direct, more unqualified, more odious and detestable, in its forms, I will venture to say, than ever was established even in that native country of tyranny, the East—I say, by the example you set, you will do more mischief than ever you can do good by any wise provisions or regulations that you have made or that you shall hereafter make.

9 JUNE 1790.

The next point of criminality to which we wish to draw your Lordships' attention is what we have proved to your Lordships upon the subject of the destruction of the provincial Councils.

Criminality in the destruction of provincial Councils.

My Lords, I presume it will not be contended with me that it is the duty of the Governor General to do what an Act of Parliament has explicitly ordered him—to obey the court of Directors. The court of Directors, upon the subject of the revenue, have been as explicit in their orders as it is possible for any master to be to his servant, or for any state to be to those employed by it. In page 1165 of your Minutes, you will perceive the following extract of a letter from the court of Directors of the 5th of February, 1777:—

Duty of the Governor General to obey the Directors.

“If you are fully convinced that the establishment of provincial Councils has not answered, nor is capable of answering, the purposes intended by such an institution, we hereby direct you to form a new plan for the collection of the revenues, and to transmit the same to us for our consideration.”

Letter of the Directors requiring Mr. Hastings to submit to them his plan for the collection of the revenues.

My Lords, in another letter of theirs, page 1170, they say,—

“In our letter of the 24th of December, 1776, you were acquainted that, for many weighty reasons, we did not then think it advisable to authorize you to let the lands of the provinces on leases for lives, or in perpetuity. The same reasons still operate. We therefore direct that you shall let the lands from year to year, on the most advantageous terms procurable, except by public auction, until you shall be duly authorized and empowered by the court of Directors to adopt another system; and we further direct that you also continue to make the letter and spirit of our orders of the 5th of February, 1777, the rule of your proceedings on this important subject.”

That letter of the 5th of February is the letter which had just now the honour of reading to your Lordships. The Directors were not content, upon this important point, with telling him in plain words, “You shall make no alteration without sending the plan for our consideration;” but, in a letter of a subsequent date, they insist upon his attend-

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Usurpation
of authority
in sup-
pressing the
provincial
Councils and
establishing
Committee
of Revenue.

Power re-
moved from
the Supreme
Council.

Distinction
between
criminal
acts and
criminal
intentions.

ing to, not only the letter, but the spirit of these orders, namely, that any idea of a change or alteration must be submitted to their consideration. What does Mr. Hastings when Mr. Francis left India to go to England, or about that time? He meditates a total subversion of the whole system of collecting the revenue. There may be many reasons why he wished it—upon which, perhaps, I may comment. He meditates a total subversion of that system. Does he look at the orders of the Directors? Does he look at the provisions of the Act of the thirteenth of the King? If he did look at them he looked at them for the purpose of despising and insulting them. He will find in the Act of Parliament that the revenues are to be managed by the Governor General and Council. He will find in the orders of the Directors that no change is to take place, but such an one as shall be previously submitted to their consideration. He abolishes at one stroke the provincial Councils, which is making a considerable change indeed, without submitting the idea of that change to his masters, the Directors; and he breaks the Act of Parliament by transferring from the Governor and Council to a new committee, which he establishes, all power relating to the collection of the revenue. It is true that, in the institution of that committee, there is an affectation of a control being retained in the Supreme Council; but what is that?—that the determination of a majority of that Council shall be final. The constitution of the Revenue Committee provides that the determination of a majority shall be final, even if that majority is made only by the casting vote of the president. It says, indeed, in extraordinary cases recourse may be had to the Supreme Council, but it says the minority are not desired to enter their reasons of dissent; and it is not in the power of a minority to bring these extraordinary cases to the Supreme Council, the committee having themselves the power of determining what is the case which deserves such a reference. He, therefore, gives away from the Governor General and Council to this Committee of Revenue the complete power of settling all the business of the revenue whatever, they being intitled to have a reference to the Council in such cases as they shall think necessary. In that case, then, he violates the Act of Parliament, and he completely defies and flies in the face of their orders.

Here I beg to make the distinction which I have stated to your Lordships, in a former part of my speech, in a former day and this day—that I distinguish the points which

efficient criminality to condemn the prisoner, from 9 JUNE 1790.
 nts which will prove the criminal intention inde-
 of the criminal act, and which will show, by aggra-
 rumstances, that the punishment ought to be severe.
 e to say no more than I have said,—that he did, in
 of the Act of Parliament and of his orders, destroy
 vincial Councils and set up this Committee of
 , I should conceive myself intitled to call for judg-
 high crimes and misdemeanours; but, when you
 examine those facts, you will find that, beyond the
 elf, there is circumstance upon circumstance which
 he corrupt object and the bad tendency of the
 which he adopted.

Circum-
 stances
 proving
 corrupt ob-
 jects.

st measure which I mean to examine is the destruc-
 he provincial Councils. Your Lordships will not
 ad me to be an advocate for that establishment; for,
 dly, I am one of those who think that the mode in
 ; was first established might be stated against
 ings, as that in itself it was a blameable transaction.
 stating that Mr. Hastings destroyed it against the
 the Directors; and that he destroyed it from
 motives, and in such a manner as to aggravate the
 ty of the act.

Destruction
 of the
 provincial
 Councils.

st thing I shall state upon that subject is—and it is
 nd powerful medium of proving the corruption and
 ny man—that what he did was contrary to his own
 sense upon the subject; for he had declared that
 vincial Councils, however blameable in the eyes of
 re in his eyes a good mode of administering the

Contrary to
 his own
 declared
 opinion.

neral mode which is at this time established for the manage-
 e collections is as follows:—The provinces are formed into six
 ach comprehending several inferior districts, under the direc-
 bief and council. These receive their orders from the Board
 d report to them their proceedings in a separate department,
 uncil of Revenue: and, for the greater facility of despatching
 ith the inhabitants, and for the preservation of the ancient
 rules of office, a dewan, or minister of the revenue, is
 o each division, who is joined to the provincial Council, and
 he accounts and records of the country languages. Native
 lants are also appointed to each district of the provincial
 with the title of naibs, and correspond with the provincial
 ad diwans. The diwans also transmit their accounts and pro-
 o an office of ancient institution, lately transferred from the
 orshedabad to Calcutta, named 'the Khalsa,' which is under
 of an officer entitled 'the Roy Royan,' who occasionally sits at
 gs of the Council of Revenue, and is the channel of commu-

His minute
 on the sub-
 ject.

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9 JUNE 1790^u nication between the Board and the diwans, transmitting to the latter the counterparts of the orders of the Board which are sent to the provincial Councils, and receiving their answers. The exceptions to this general system are the province of Chittagong, which, from its remote situation and small revenue, has been left under the single charge of the chief of the factory, and the districts of Pallamow and Rangur under Captain Carnac, and of the Jungulterry of Curruckpore, &c., under Captain Browne. These may be properly termed military collectorships. They are composed of the wild and mountainous parts of the country, which have been lately reduced to a state of submission to Government, and require the continual presence of a military force to keep them in subjection. The revenue which they yield is inconsiderable, but the possession of them is a security of the peace of the cultivated and more civilized lands in their neighbourhood, which, till their reduction, were continually exposed to the ravages of the wild and lawless people inhabiting them. With these military collectors the correspondence was carried on by the Governor only; but, according to the instructions now received from the Company, it seems requisite that it should in future be conducted by the Council at large."^u*

Read also a further extract from the same Consultation, beginning at page 10 of the same book, as follows:—

"I must beg leave to conclude this subject with earnestly offering my advice for the continuation of this system in all its parts, with such alterations only as the late change in the government has rendered indispensibly necessary. Innovations are always attended with difficulties and inconveniences. Innovations in the revenue, with a suspension of the collections, and a change at this season of the year, would be particularly dangerous, as the time of the heaviest payments is now approaching. For the same reason, your speedy determination upon the future mode of managing and collecting the revenues would prove of essential service."

"The court of Directors have been advised of the formation of this establishment, in consequence of the orders transmitted to us in their letter of the 7th April, 1773; and we may shortly hope to be furnished with their final determination concerning it. I must likewise recommend the continuance of the separation which was originally made of the revenue department from the other offices of the Government, as the only means by which it can be regularly conducted; and, as there is no branch of the Company's affairs in which their interests so essentially depend, I propose that the Council do assemble for the conduct of it in the same manner as was practised by the late Council of Revenue."

The last sentence might, perhaps, have been sufficient for your Lordships without the rest; for a more complete approbation of the system which he afterwards destroyed cannot succinctly be given than the one which I have just read, with respect to the mode of managing the collection of the revenues.

* Extract from Consultation of the 25th October, 1774.—Printed in the *Minutes of the Evidence*, p. 116.

My Lords, we have also proved in evidence, in page 1166 of your Lordships' Minutes, that he at that time was, not only to a certain degree satisfied with this mode of the collection of the revenue, but he was satisfied that it was the best possible mode and required no alteration; that he not only states that opinion in the strong terms you have heard read to the court of Directors, but he advises them to apply to Parliament, in order to establish those provincial Councils and make them the law of the land. If the Directors had followed his advice, that would have been the law which he afterwards destroyed. Considering all his transactions, I do not think that would have stood in his way; nor do I think he would have been one jot more criminal if he had destroyed them in that case than after their having had the approbation of the Directors, whom by an Act of Parliament he was bound to obey. He advises the Directors to apply to Parliament for the establishment of them; and then, all at once, he totally and completely destroys them, root and branch. He does not alter the system, change it, modify it. He does not—as he pretends in one of his letters—introduce a new system by a gradual change; but he makes a total destruction of the whole old system, in order to introduce a new one of his own; and he does that against his own declared, solemn, opinion.

9 JUNE 1790.
Evidence of his thinking that the system needed no alteration.

His total destruction of the system.

But he gets rid of that in a way satisfactory to him, but which, I trust, will not be satisfactory to your Lordships. I believe I can recollect the words. You will find them in your Minutes. He gives a very bad character of these provincial Councils which he had before praised; he says they are a very bad mode of collection; and he says it was originally the design, when these provincial Councils were first established, to make them only preliminary to a better arrangement; and he refers to the Consultations, which had looked to an ultimate arrangement of a very different description than that which he established. He says—

His reasons for condemning it.

“The system which yet subsists, though with many unessential variations of superintending and the collecting the public revenue through the agency of provincial Councils, was instituted for the temporary and declared purpose of introducing another more permanent mode, by an easy and gradual change, by which the effects of too sudden an innovation might be avoided.”*

* Extract from Consultation of the 9th January, 1781.—Printed in the “Minutes of the Evidence,” p. 1178.

9 JUNE 1799. He says—

“Why the design failed in its effects, and the provincial Councils [were] permitted to remain during so long a course as seven years, in contradiction of their professed institution, it is unnecessary to mention.”*

My Lords, it is unnecessary for him to mention, because we know it. They were permitted because the court of Directors approved them; because he was frequently commending them to the court of Directors, and telling them that, though they were originally established as a temporary system, they were found to be the best possible system, and by his advice to be made permanent by an Act of Parliament. All at once he contradicts every word he had written and every principle he had laid down, and says—“Why these were permitted to remain seven years it is not necessary to mention;”—knowing that, if he had mentioned why, the main and principal ground of their remaining was his own opinion, delivered solemnly upon a variety of occasions, and his own suggestion that they ought to be woven into an Act of Parliament. Sensible that this very cavalier way of treating the court of Directors might lead to some explanation, he has condescended, in some other parts, to give some reasons. He says—“The members of some of the Councils were grown factious and incapable of doing their duty.” When he says this, if not in the same letter, in another of very near the same date, I believe in the same letter—it is all before your Lordships in evidence—in the same letter in which he said that these provincial Councils were composed of factious and incapable men, he desires you to provide for those factious and incapable men, who have been, he says, dismissed, for no fault of theirs, but for the public convenience—for a better arrangement:—

Allowances continued to members of the Councils.

“In this, as it must be the case in every reformation, the interest of individuals has been our principal if not our only impediment. We could not deprive, at once, so large a body of our fellow servants of their bread without feeling that reluctance which humanity must dictate, not unaccompanied, perhaps, with some concern for the consequence which our own credit might suffer by an act which involved the fortunes of many, and extended its influence to all their connections. This, added to the justice which was due to your servants who were removed for no fault of theirs, but for the public convenience, induced us to continue their allowances until other offices could be provided for them.”

*This and the following passages are extracted from a letter of the Governor General and Council to the Directors, dated 5th May, 1781.—Printed in the Appendix to the “Minutes of the Evidence,” p. 420

e states, therefore, these establishments to be good—9 JUNE 1700.
 e fit to be made part of an Act of Parliament. He
 oys them because they are ill executed—executed by
 ns factious and incapable. Then he declares that these
 us and incapable persons were dismissed for no fault of
 s, and therefore, in justice to them, he must give pen-
 to some of them. As has been well observed—“ he
 ived faction the best title to a pension, and incapacity
 best qualification to office;” for he says, that those
 ns dismissed must have pensions and offices, yet their
 m and incapacity is the sole ground he states for their
 ession, having formally, directly, repeatedly and uni-
 ly, approved the institution which he destroys.

Inconsis-
tencies in
his state-
ments.

ith respect to these factions in these provincial Coun-
 it will be necessary to give some explanation of what
 the probable meaning of the defendant upon that sub-

His charge
of faction in
the Councils.

Your Lordships have heard sufficiently of Kelleraam
 Cullian Sing. You have heard that the factious Council
 atna had proposed terms for the letting of Behar to the
 ndar, who was the proper person; that Mr. Hastings
 upon himself to let it to Cullian Sing and Kelleraam,
 ving from them a considerable bribe, which he chooses
 nominate a peshcush. You have heard more—that this
 action, though kept close and secret by Mr. Hastings
 elf, was rumoured abroad. You have heard, particularly

Opposition
of the
Council of
Patna to
the letting
of Behar to
Kelleraam
and Cullian
Sing.

Mr. Young and Mr. Moore, who were both of them
 incial Councillors—Mr. Young was a member of the
 incial Council of Behar and Mr. Moore of the Council of
 utta—you have heard from these two gentlemen that
 rts upon this subject reached their ears. You have
 d from Mr. Anderson that reports upon this subject
 hed his ears as early as the year 1780. From the
 ent that Mr. Hastings heard that a report of his bribes
 ailed, that they had been detected by the provincial
 ncils, he says—“ These are factious and incapable men.”
 dismisses them. The institution is good, but, as faction
 it to be loud and querulous, and incapacity talkative, he
 ight the best way of making all quiet was by giving to
 e of them pensions and to others offices of trust and emol-
 nt. He endeavours to conciliate the men, and he destroys
 ystem; because they had been so factious—some to hear,
 others to propagate the report, of his letting lands for
 es instead of letting them for rents. What occurs to
 Hastings? “ Let us destroy these factions; let us

Detection of
Mr. Hast-
ings' bribes
by the
provincial
Councils.

2 JUNE 1780. have no more whisperings upon the subject; let us destroy these provincial Councils"—which, according to his own testimony and that of every witness at your Lordships' bar, not excepting even Mr. Shore, were more able to correct corruptions and evil doings than the committee he established in their stead. "Away with all these troublesome, factious, Councils; let us destroy them! Why we have let them last so long it is not necessary now to mention."

Substitution of the Committee of Revenue.

Having stated what occurs to me upon the destruction of these Councils, you will see everything I have stated in a much stronger light when you look at the institution which was substituted in their place. The institution which was substituted in their place has the name of a Committee instead of a Council; and it is so far convenient that your Lordships will always understand when I speak of a Council I speak of the old mode, when of the Committee of the new one. In lieu of these Councils he substitutes a Committee of Revenue. I am sorry to take up so much of your Lordships' time, but there are so many remarkable features, both in the constitution of the Committee and the persons who compose it, that you will not be able to form a competent judgment of this Committee unless you attend to the circumstances connected with it with a considerable diligence:—

Constitution of the Committee.

"That a Committee of Revenue, consisting of four covenanted servants of the Company, be immediately constituted, who shall be entrusted with the charge and administration of all the public revenue of the provinces, and invested in the fullest manner with all the powers and authority, under the controul of the Governor General and Council, which the Governor General and Council do themselves possess and shall reserve exclusively to themselves."*

I wish your Lordships to observe whether they reserve any exclusively to themselves whatever, and, if they do, of what nature and importance it is.

"That the first persons nominated to this charge be Mr. David Anderson,"—

whose name occurs almost always in all the secret transactions of Mr. Hastings—

"Mr. John Shore, Mr. Samuel Charters, and Mr. Charles Crofts"—without whom the rest would have been nothing—Mr. Charles Crofts, whom Mr. Hastings himself had detected in an error of 160,000*l.* or 170,000*l.* sterling, in stating the account of the stipend to the Nawab Mobaric-ud-Dowla:—

* "Plan for the Management of the Revenue;" 9th February, 1781.—Printed in the "Minutes of the Evidence" pp. 1178, et seq.

t the office of Superintendent of the Khalsa records shall be 9 JUNE 1790.
 d; and the office of Khalsa, with all its dependent offices and
 functions and powers appertaining to it, shall be transferred to Abolition of
 mittee of Revenue." office of
 superin-
 tendent of
 the khalsa
 records.

lieve, my Lords, it is in evidence before that this
 tendency of the khalsa records was an office, as you
 by this paper, itself, of considerable importance; and
 produce it in evidence if necessary, that the superin-
 happened to be at this time a gentleman of the name
 arell; and I understand from all those who have been
 ia and know anything of persons and characters of
 and we shall prove it if you conceive it necessary—
 was eminent, not only for his abilities, but for his
 y and meritorious services of every kind to the
 ny. His office was, however, to be abolished. Eminant
 character
 of the
 existing
 superin-
 tendent.

t the Canongoes shall be reinstated in the complete charge and
 n of all the functions and powers which constitutionally apper-
 their office.

t the Committee shall examine and report the state of the other
 ependent on the Khalsa, and propose such alterations as shall
 o them necessary for making them answerable to the purposes of
 titution, and bringing them under the controul and daily inspec-
 the Committee.

t the Committee shall immediately prepare establishments for
 a immediate department, and such temporary establishments as
 judged necessary for the collectors of the divisions or districts,
 I lay the same before the Board for approbation.

t such of the Company's servants as shall be removed from their
 offices, in consequence of those arrangements, shall be permitted
 the same allowances as they draw at present, until they shall be
 d to other offices, or until it shall be the pleasure of the Board to
 r this indulgence." Pensions
 to officers
 removed
 from their
 places.

re stated to your Lordships that they had pensions
 pleasure; and the reason why during pleasure, con-
 g what their offence was, is pretty obvious.

t a commission of two per cent. on all net sums paid immediately
 treasury at the Presidency, on account of the public revenues, in
 se of every month, be allowed to the members of the Committee
 r principal assistants."

commission of two *per cent.* amounts among those
 gentlemen—and there was one afterwards added to
 to somewhat above 50,000*l.* sterling a year; and, I
 , economy was one of the recommendations of this
 reme!

t if the members of the Committee shall differ in opinion upon
 stion before them, the majority, or the casting voice of the
 majority. Absolute
 power of the
 majority.

8 JUNE 1790. President or senior member present shall decide and form the resolution of the whole; but it is not expected that every dissentient opinion shall be recorded,"—there was no great desire of publicity in this matter,—
 "and where the case shall be deemed of such importance as to require it, it shall be immediately referred, together with so much of the proceedings as have an immediate relation to it, to the Board. But the determination of the majority of the Committee shall not therefore be stayed, unless it shall be so agreed by the majority."

So that there could be no reference upon the subject where there was difference of opinion, till the opinion of the majority had been actually carried into execution and effect. You will find that, in this, as well as in every other business, it is not only material what should be the constitution of a Board with powers like this Committee of Revenue, but who should be the persons composing the Board. The persons composing the Board I have stated before; but—

Appoint-
 ment of
 Gunga Gov-
 ind Sing as
 diwan of the
 Committee.

"At a Council, present the Honourable Warren Hastings, Esq., Governor General, President, and Edward Wheeler, Esq. Agreed"—

And here comes the material part of the whole transaction—the very pith of it—all the real cause for which the provincial Councils were destroyed and this Committee of Revenue instituted.

"Agreed, that Gunga Govin Sing be appointed Dewan to the Committee of Revenue, and that they be advised of it in the following letter:"—

"To Mr. David Anderson, President, &c., and the Members of the Committee of Revenue.

"Gentlemen,—We have this day thought proper to appoint Gunga Govin Sing to the office of Dewan to your Committee."

Then we come to the powers:—

Powers
 given to
 the diwan.

"That, as the Supreme Council have thought proper to appoint a Dewan to the Committee, it will be the duty of the Dewan to countersign the papers executed by them, and carry into execution such orders as are given to him and such duties as appertain to his office, and to be present at the meetings of the Committee, and sit with them to receive their orders, and to attend the President occasionally, and to report such matters to him as require his orders, which he is to obey. That the Roy Royan, therefore, should not be allowed to interfere in the business transacted by the Dewan of the Committee, as such interference would occasion frequent disputes and great delay in the business, which each would ascribe to the other."

Office of
 Rai-royan
 superseded.

Here is another ancient officer, called the Rai-royan, completely set aside, because they say that, if he was to happen to have any difference of opinion with Gunga Govind Sing, it might occasion disputes. Undoubtedly, the nomination of any and every person to any office does occasion disputes, but they do constitute a check and control; and, when you take away any possibility of dispute, you take away all possibility of check and control likewise.

the duty formerly vested in the Roy Royan of superintending the act of the provincial Dewans, of receiving accounts from them in the provincial language, and of issuing counterparts of the orders which the Committee of Revenue should expedite to the collectors, will now become the duty of the Committee." 9 JUNE 1790.

"with respect to such provincial Dewans as remain in the districts where the collectors are stationed, they should continue to act under the direction of the collectors to whom the Committee will expedite their orders." "with respect to such provincial Dewans and Naibs as reside in districts where there are no collectors, the Committee will also issue their orders to them through their President, and such orders are to be expedited by the Dewans of the Committee."

"the Directors be accordingly directed to address the Persian copies of such accounts as they shall send to the Committee through the Secretary of the Committee, under cover, directed to the President of the Committee, and that orders be issued to the provincial Dewans and Naibs to reside in districts where there are no collectors to adopt the measures of address."

"the executive business appertaining to the collection of the Huzzoory Mehals will principally rest with the President of the Committee and Dewan, subject to the orders of the Committee."

"the Accountant General of the Dewanny will still continue to perform the duties described in the old regulations of the Khalsa, or to perform such functions as may have since been prescribed by the honorable

that here the Accountant General of the Revenue, who your Lordships know is this individual Mr. Crofts, is substituted, in point of fact, to execute all the offices of Mr. Dundas, and, therefore, which we conceive you will think no considerable or trifling circumstance in this business, he is a Committee wholly independent of the superior. He appoints that Committee, consisting of four members, some of whom, I think, were not fit for any trust, in Mr. Hastings' opinion of what he knew of them, financially and particularly Mr. Crofts.

I am ready to own, that who were or who were not members of this Committee is a point wholly immaterial; it now comes to the great and material evidence in the support of this cause, from whom the Counsel thought they could obtain much assistance because of his friendship and loyalty to Mr. Hastings, but who by ten thousand testimonies can never do away the substantial and solid evidence given us in this cause—I mean Mr. Shore.

We have had Mr. Shore before your Lordships. He told us that that paper which is under his name—paper which was presented to Mr. Macpherson in the year 1782—is his own paper; and he states himself in favour of the opinions there given. The principal object of that paper, upon which I shall rely, is in short words—that the Committee of Revenue is a tool

Power
given to
Mr. Crofts.

Evidence of
Mr. Shore.

5 JUNE 1799.

The Committee
was a tool in
the hands of
their diwan.

in the hands of their diwan: that a Committee of Revenue, constituted of the most diligent, the most able, and the most active officers, still can be nothing better than a tool in the hands of their diwan. Then, after having read all the power given to this Committee, after having read all the power of which the Board and Governor General and Council have divested themselves, you will understand from Mr. Shore that they divested themselves of this power—not to Mr. Shore, Mr. Anderson, or the rest of the Committee—but to Gunga Govind Sing, in whose hands they were all tools and ciphers.

He has stated in that paper, with so much energy and propriety, his opinions upon that subject, that I think it will be better than anything I can say upon it to read them to your Lordships.

Minute of
Mr. Shore.

[“ In the actual collection of the revenues, [nothing is more necessary than to give immediate attention to all complaints which are preferred daily without number, and dispatch them in a summary manner. This cannot be done where the controul is remote. In every pergunnah throughout Bengal there are some distinct usages which cannot be clearly known at a distance; yet, in all complaints of oppression or extortion, these must be known before a decision can be pronounced. But to learn at Calcutta the particular customs of a district of Radshahy or Dacca is almost impossible, and considering the channels through which an explanation must pass, and through which the complaint is made, any colouring may be given to it; and oppression and extortion to the ruin of a district may be practised with impunity. This is a continual source of embarrassment to the Committee of Revenue in Calcutta. One object of this institution is to bring the revenues without agency to the Presidency; and all local controul is removed from over the renters who pay at Calcutta or what is called Huzzoory; when complaints are made against them, it is almost impossible to discriminate truth from falsehood; and to prevent a failure in the revenues, it is found necessary in all doubtful cases to support the farmer; a circumstance which may confirm the most cruel acts of oppression. The real state of any district cannot be known by the Committee; a farmer or zemindar may plead that an inundation has ruined him, or that his country is a desert from want of rain; an aumeen is sent to examine the complaint; he returns with an exaggerated account of losses, proved in volumes of intricate accounts, which the Committee have no time to read, and for which the aumeen is well paid; possibly, however, the whole account is false. Suppose no aumeen is employed, and the renter is held to the tenor of his engagements, the loss, if real, must occasion his ruin, unless his assessment is very moderate indeed. I may now venture to pronounce that the real state of the districts is now less known, and the revenues less understood, than in 1774. Since the natives have had the disposal of accounts, since they have been introduced as agents and trusted with authority, intricacy and confusion have taken place; the records and accounts which have been compiled are numerous; yet when any particular account is wanted it cannot be found. It is the business of all, from the ryott to the Dewan, to conceal and deceive; the simplest matters of fact are disguised and covered with a veil through which no human understanding can penetrate.]

rate. With respect to the present Committee of Revenue, it is morally impossible for them to execute the business they are intrusted with. They are vested with a general controul, and they have an executive authority larger than ever was before given to any board or body of men; they may, and must, get through the business; but to pretend to assert that they really execute it would be folly and falsehood. The grand object of the natives is to acquire independent controul; and for many years they have pursued this with wonderful art. The farmers and zemindars under the Committee prosecute the same plan, and have ready objections to anything that has the least appearance of restriction: all controul removed, they can plunder as they please. The Committee must have a Dewan, or executive officer, call him by what name you please. This man in fact has all the revenue paid at the Presidency at his disposal; and can if he has any abilities bring all the renters under contribution. It is little advantage to restrain the Committee themselves from bribery or corruption, when their executive officer has the power of practising both undetected. To display the arts employed by a native on such occasions would fill a volume. He discovers the secret resources of the zemindars and renters, their enemies and competitors; and by the engines of hope and fear raised upon these foundations he can work them to his purpose. The Committee, with the best intentions, best abilities and steadiest application, must after all be a tool in the hands of their Dewan."* 9 JUNE 1790.

I should be wasting your Lordships' time and my own labour if I were to say anything in addition to what Mr. Shore has said upon the subject. It is only necessary for me to observe who Mr. Shore is. Mr. Shore was a member of this very Committee of Revenue. Mr. Shore is a person who declares a great, good, opinion of Mr. Hastings, and is not desirous, therefore, of saying anything that may make against him. Mr. Shore is a man, confessedly, of great experience with respect to the revenue of Bengal. He was sent out upon that ground, I believe, as a coadjutor with Lord Cornwallis, when that nobleman was sent as Governor General. He is returned now, and he gives at the bar of this House evidence consistent with that minute, which evidence is, that the office which he occupied as a member of that Committee was a mockery and a farce; that to the business they must, but to pretend they executed their office was a jest; and that he and the rest were—what I contend they were—neither more nor less than tools in the hands of Gunga Govind Sing. And at this moment I have a right to assume as a fact that Mr. Hastings, when he destroyed the provincial Councils, did not substitute a Committee of Revenue in its stead, but substituted Gunga Govind Sing as paramount minister over all the revenue, and over

Character of
Mr. Shore.

His evidence that
the committee were
tools in the
hands of
Gunga Govind Sing.

* "Remarks on the Mode of administering Justice to the Natives in Bengal, and on the Collection of the Revenue," by Mr. Shore; 12th May, 1785.—Printed in the "Minutes of the Evidence," p. 1279.

20 JUNE 1790. all the collections and all the farms of all the various provinces of Bengal.

Office of naib-kanungo. My Lords, one should have thought that this situation of diwan was enough. Mr. Hastings did not think so; for he knew that Gunga Govind Sing, who was diwan, was also naibkanungo, an officer who, from the evidence of Mr. Anderson, we understand to be one who might have a check upon the diwan. Mr. Anderson, after a variety of questions, comes to that conclusion at length—that he might be so. However, in every office there must be subordinate persons, and those subordinate persons may act in some respects as a check upon their superiors. There was not only a diwan, but a naib diwan. This naib might possibly not be a tool in the hands of Gunga Govind Sing, but a check upon him, which the Committee could not be. Who was the naib diwan? Prawn Kishen, the son of Gunga Govind Sing. So that, not satisfied with putting Gunga Govind Sing in this situation, where he made his whole Council tools and ciphers, he appointed him naibkanungo, which ought to be a check upon him, and appointed his own son to an office which might be some check upon him. So anxious, so cautious, so careful, so curious was Mr. Hastings in his selection of this Committee, that he was afraid that that, which in Mr. Shore's opinion was sufficient to give Gunga Govind Sing the whole power of the country, should not be sufficient, without putting all the subordinate offices also into his power.

A check on the diwan.

The office held by Gunga Govind Sing's son.

I have omitted, and shall not dwell now upon many inferior circumstances. I shall just state them to your Lordships, with references to where they may be found. Your Lordships will find, in pages 1172 and 1178 of your Minutes, Mr. Hastings' declaration against partial delegations. If ever there was a thing which did not come within this description, it is this Committee. That it was not a partial delegation, but an entire one, I am ready to admit.

Mr. Hastings' declaration against partial delegations.

His objection to short leases.

Against innovations.

You will find Mr. Hastings universally objecting to short leases, and pleading in favour of long ones. The first regulation of this Committee was that leases were to be from year to year. You will find a general opinion of his against all innovations, whatever, of any kind; and that, whenever changes are introduced, they ought to be by a gradual and easy mode. You will find the Directors agree with him in most of these opinions; and you will find that, in direct defiance and contradiction of all these opinions, he abolished the provincial councils by no gradual, easy change and substituted in the

room of them a farce of a committee, but, in fact, Gunga Govind Sing. 9 JUNE 1790.

It is not to be omitted that this appointment of Gunga Govind Sing was not only subsequent to Gunga Govind Sing's delinquency and dismission, which had happened, I believe, when the majority was against him, but it was subsequent to his appointment of Gunga Govind Sing as amin, and subsequent to the Board of Directors having expressed their astonishment, surprise and indignation, at his giving that office to Gunga Govind Sing, after he had been marked with the ignominy of that dismission. He knew, therefore, that, as much as Gunga Govind Sing was agreeable to him, as much as he was necessary to him, as much did the Board of Directors consider him as a person unfit to be employed on account of his former delinquencies.

The appointment of Gunga Govind Sing subsequent to the Directors' disapproval of him.

I hope I may say I have a right to deprecate one particular argument which I expect from the Counsel for the Defendant, because I allow it has some force, but yet I think it ought not to be used against me. When I argue as a proof that Mr. Hastings appointed Gunga Govind Sing against the orders of the Directors with a corrupt view, when I take that as a strong proof of his corruption, do not let them answer me thus and say—"Never reason upon Mr. Hastings' disobedience to the orders of the Directors. He always did it by choice. It was his constant system, his scheme, the object of his whole government; and, therefore, do not draw any inference from that which he did daily. You cannot draw an inference from a man's rising in the morning and going to bed at night. You cannot draw an inference from a man's taking his usual repast at the proper hour of the day. You cannot draw an inference from that which is the whole course and tenor of Mr. Hastings' life—defying Acts of Parliament, and disobeying all the orders of the court of Directors." My Lords, that is an argument to which I know no answer, but simply deprecating it and begging it may not be used; for I know it would have a power and force which I cannot resist before your Lordships. Therefore I must beg it may not be used, because it would not be decent to the Court that it should.

Mr. Hastings' habit of disobedience to the Directors.

If we are to consider Mr. Hastings in the light of a common man, as one who would, where he had no particular object to do otherwise, obey the laws of the land and the instructions of his superiors, then I say that knowing, as he did, the particular objections which the court of Directors had to Gunga Govind Sing, their particular indignation and astonish-

9 JUNE 1790. ment at his being appointed to the situation of amin, he could not have, after that, appointed him to this greater situation as a diwan, except with the corrupt views which impute to him, and except with the guilt of mind which I think pervades the whole of this transaction.

The appointment of diwan compared with that of Chancellor of the Exchequer.

One of the Council of Calcutta, I believe Mr. Macpherson, speaking of Gunga Govind Sing, calls him the native Chancellor of the Exchequer, meaning thereby, to English ears, to English minds, to convey a situation of great and illustrious power. It is, undoubtedly, of that nature in England; it is an office which in England has been possessed by a variety of descriptions of men, but, at least, all high in the opinion of their sovereign, and supposed to enjoy the confidence of the public. What should you say to one who was to advise his Majesty to appoint a person Chancellor of the Exchequer in this country—which is an office to which Mr. Macpherson has compared the situation of Gunga Govind Sing—to appoint a person who had been dismissed for an actual delinquency and for pecuniary frauds? I believe no such attempt, in the worst times, ever was made in this country, nor is likely to be made. But give me leave to say, that, when Mr. Macpherson compares the situation of Gunga Govind Sing to the most powerful Chancellor of the Exchequer that ever was in the country, he makes a comparison that will by no means give your Lordships an idea of his power.

The diwan more irresponsible in his office.

This country is so constituted, thank God! that no man, however high in the confidence of the public, however high by the favour of his sovereign, can be in a situation of power like that of Gunga Govind Sing. What is a Chancellor of the Exchequer in this country? what the minister of a king in the more absolute monarchies of Europe? He is a person always invested with limited power, accountable—thank God!—in this country, to the representatives of the people. What is this diwan? He is not even a responsible person, but a person acting under the name of a mock committee, and having, as Mr. Shore states it, the person, the fortune—nay, the life, by means of punishment—almost of every native in those fifty-eight or sixty provinces which contain the dominion of the Company in the East.

Therefore your Lordships are not to consider the power of this diwan by comparison with a minister of any of the limited governments in Europe. No! It is a power absolute, unlimited and perfect, to take from the inhabitants of the country every shilling which he can draw from their pockets by every means by which he can extract it. How

the opinion of Mr. Hastings upon that subject, not speaking of a diwan, but speaking of a native farmer; and hear the impotence of the English Government after the establishment of the collection of revenues. It is upon some accusation against Mr. Goodlad, relative to Deby Sing and Rungpore.

9 JUNE 1790.
Mr. Hastings' opinion on the irresponsibility of native officers.

"I entirely acquit Mr. Goodlad of all the charges; [he has disproved them. It was the duty of the accuser to prove them. Whatever crimes may be established against Rajah Deby Sing it does not follow that Mr. Goodlad was responsible for them.]—By which means he shows the impotence of the control of the British Government.—"And I so well know the character and abilities of Raja Deby Sing [that I can easily conceive that it was in his power both to commit the enormities which are laid to his charge, and to conceal the grounds of them from Mr. Goodlad, who had no authority but that of receiving the accounts and acts of the district from Rajah Deby Sing, and occasionally to be the channel of communication between him and the Committee." *

The orders of your Lordships have prevented us from showing what these "enormities" were; but the very use of the word "enormities," I suppose, is sufficient to allow me to presume that certain great enormities would be committed by Deby Sing without Mr. Goodlad knowing the grounds of them or being any way responsible for them. Upon that subject, though it may not be strictly in issue, as it has pleased the learned Counsel on the other side to make a call upon the vengeance of this House and of Almighty God, not upon himself, but in a peculiar manner upon his client, if ever this charge should come and he should not be able to refute it, all I beg leave to say in this place is, as a counter declaration, that if it should ever come—and I hope and wish it may—in a regular form to your Lordships, may the vengeance of this House and of Almighty God, whom he has called upon, fall—I will not say upon my honourable friend next me—but fall upon *me*, if I do not prove that all those things stated by my honourable friend were fairly and justly imputable, in the way and in the mode in which he imputed them, to the defendant at your bar! †

Reference to enormities committed by Deby Sing.

Assertion of the truth of the charges against him made by Mr. Burke.

* Extract from a Minute of Mr. Hastings, of the 21st February, 1785.—Printed in the "Minutes of the Evidence," p. 1251.

† Mr. Fox refers to words uttered by Mr. Law, on the 18th of May, previous, in the course of an altercation with the Managers relative to the admission of evidence of the practice of torture by the provincial Councils and of the cruelties charged against Deby Sing. His words were:—"Let the Commons put the detail of those shocking cruelties into the shape of a charge which my client can meet; let them present them in that shape at your Lordships' bar, and then we will be ready to hear every proof that can be adduced. And if, when they have done that, the gentleman for whom I am now speaking does not falsify every act of cruelty that the honourable Managers shall attempt to prove upon him, may the hand of this House, and the hand of God light upon him!"—*History of the Trial*, Part III., p. 56.

9 JUNE 1790.

Such cruelties likely to ensue from Mr. Hastings' system of government.

The natives impoverished by the bribes paid to Mr. Hastings and Gunga Govind Sing.

Inference of system of bribery from special cases proved.

I cannot now prove it, because it is your Lordships. But I hope and trust as fair this mode of reasoning: I am specific cruelties that were committed; cruelties were not charged, but surely show that, in the nature of things, government which Mr. Hastings instituted were likely and probable to be committed. I need not take up much of your Lordship that, if Mr. Hastings destroyed all the provincial Councils whatever, if he bribed the bribe-broker, Gunga Govind Sing, to take the country, with a power to sell to together the whole of those sixty provinces stated, must we not know that the war these provinces must have had to pay to the Company, another to Mr. Hastings to Gunga Govind Sing? Must we not miserable natives who are obliged to must have every rupee taken from them, the extremity of poverty and indigence, but only to pay their usual rent, but the ex their two joint masters, Mr. Hastings and Sing? And may I not state, that it is farmers, driven to desperation on one means but the miserable poverty of them from on the other, must be driven English ears would shudder to hear to think of? This must naturally be government.

It may be said—why do I infer that when he had all these powers, would so Mr. Hastings would sell them? I can find of men that are not discovered only if discovered. I find that Mr. Hastings, this Committee, did sell for bribes the find he did, for a bribe from Kellaram and them a lease which he ought not to have find he received a bribe from Dinagep find that all these three bribes he received of Gunga Govind Sing. Can I, therefore, infer, that, when he had destroyed put this country into the hands of the whom he received his bribes, what was

respect to three great provinces, Nuddea, Behar and Dinage-^{9 JUNE 1700.}
 pore, might probably be the case with all the remaining
 fifty-seven—or whatever number it is—that constitute that
 great empire in India? Why am I to suppose that he that
 would risk his character by taking bribes from Nuddea,
 Behar and Dinagepore, at a time when there were so many
 checks to discover it, should, after he had thrown down all
 the dykes, be more abstemious than he was when there were
 so many checks to detect and discover his corruption?—
 that he should refuse doing that to gain a million, when he
 could do it in security, which he did to gain 40,000*l.*, with
 all the danger of discovery and all the infamy to which he
 was liable if detected?

Temptation
 by removal
 of checks.

I cannot suppose the mind of any man to be so made
 —strange as his Counsel may contend his to be—that,
 while there were any checks, while there were provincial
 Councils to discover, while there was Mr. Moore to hear
 reports, Mr. Young to propagate them, and Mr. Anderson
 not able to disbelieve them—though his friendship to
 Mr. Hastings would make him wish to do so—while all
 these things were going on, he should risk calumny, dis-
 covery and punishment, for 40,000*l.*, and that he should
 at once begin a new life of temperance, justice and modera-
 tion, when there was no longer any obstacle between him and
 his desires, and when there were no longer any means or power
 of discovery, whatever might be his acts. My Lords, I cannot
 believe the mind of any man to be so constituted; and there-
 fore I have a fair ground of presumption, that, from the
 moment Mr. Hastings destroyed all those checks, from the
 moment he gave the country over, as Mr. Shore says he
 did, to Gunga Govind Sing, as to an arbitrary tyrant,
 making the Committee a tool in his hands, from that
 moment, the dykes all being broken down, Mr. Hastings
 knew no limit to his corruptions and bribes but his own
 desires, whatever they might be.

My Lords, in corroboration of this presumption which I
 state, there is one strong feature in all these circumstances
 necessary for you to remark. Before the year 1781, we
 hear of a Dinagepore peshcush—called a peshcush upon a
 false pretence, but literally a bribe, for if it is a peshcush
 why is not the whole of the security given to the Company
 and not a part only of the money received upon it? A
 bribe is received from Dinagepore. Through whom?
 Through the hands of Gunga Govind Sing. A bribe is

Bribes re-
 ceived
 through
 Gunga Go-
 vind Sing,
 prior to the
 institution
 of the Com-
 mittee of
 Revenue.

9 JUNE 1790.

No subsequent
nominations of
Mr. Hastings,
because
means of
discovery
destroyed.

received from Nuddea. Through whom? Through the hands of Gunga Govind Sing. A bribe is received from Cullian Sing and Kelleram through the hands of the same identical native, Gunga Govind Sing. All these transactions are prior to the institution of the Committee of Revenue. After that, you hear indeed of the bribe from Nubkissin, which stands upon a particular ground, and is stated for a particular purpose; but you hear no more of any presents to Mr. Hastings connected with the receipt of revenue. How, in the name of God, should you hear of them any more when he had put an end to all checks and to all means of discovery?

It seems as if he had been contented for a time with gaining 40,000*l.*, 30,000*l.*, 20,000*l.*, or any such sum as might occur that he could keep secret for his own purposes; but he was irritated by faction, that is, a discovery of his own crimes. Alarmed by reports, he was forced to write one letter hastily, for fear of the insinuations of calumny; he was forced to make a discovery to his colleagues of one instance, for fear it should be known by other means; he was forced to make a discovery to the Company of another, lest he should be thought guilty of ostentation.

The court of Directors pester him with questions. He says—"You ask me about things at this distance which I cannot recollect. Why I took this 20,000*l.*, which belonged to you, and took it to myself, I cannot recollect. You tease and pester me with particular questions. To you, bred up to business, these things are not intelligible; therefore, I can only tell you I remember little or nothing about them." He sees it is the shortest way to break, at once, all dykes, barriers and defences, whatever:—"Let me not any more employ Gunga Govind Sing secretly, in this province or that, but give to him the complete letting of all the provinces in the British empire in Hindustan, and then he and I together can take for those lettings any sum, to any amount we please, and no rumour can spread of it, for it can exist without the knowledge of anybody. There is no control. There is no kanungo to be control on the diwan; no nab diwan; no provincial Council; no Committee who can bring this accusation against me if I quarrel with them, for they are all tools in his hand. Let me take all these measures: neither you, Sirs, the Directors, the Parliament, nor any person in England, can hear of these bribes; because, instead of taking one here and another there, liable to detection, I

may take from the whole country with impunity, and defy the inquisitiveness of my enemies and the indiscretion of my friends." 9 JUNE 1790.

I think this charge was properly stated with the charge of Charge of corruption. corruption, because, though I do not prove it connected with any specific bribe, as I did in the sixth, yet, by connecting it with all the circumstances, we cannot but infer that the motive to this act was as corrupt as the act was, certainly, legal and criminal.

My Lords, I have now done with pointing out to your Lordships the evidence upon this charge. I have, to save your Lordships' time, in many instances, only alluded to the evidence, without reading it out at large; but I am sure your Lordships will do so much justice to the cause as to do me of these things, either to give me credit that, where I have alluded to it and referred to it, I have referred correctly, or to refer to it yourselves, and correct my state of it. Though I have, I dare say, tired your Lordships' patience as much as I have exhausted my own strength, yet, undoubtedly, I have omitted many particulars of the evidence in which there may be matter of considerable importance. I hope and trust your Lordships consider your duty as judges in the way in which I consider it—that it is your duty to look to these circumstances and enlighten yourselves where we, either from want of diligence, ability or memory, shall have failed in doing so. Apology for not reading evidence.

I will recapitulate, in as few words as I can, what I conceive we have proved to your Lordships, and what I should suppose must be your Lordships' judgment upon what we have proved. Recapitulation of circumstances proved.

It is proved that, prior to the Act of 1773. Mr. Hastings Receipt of present from Munny Begum. did, in defiance of his duty, receive a present of one lac and a half from Munny Begum, and that there is much reason to suppose he received two lacs more. We have proved that the receipt of that money was attended with all the circumstances that denote guilt; that it was concealed; that it was endeavoured to be defended upon false pretences; and that his conduct in the whole of that transaction was justified upon false accounts.

We have afterwards proved that he received a variety of presents, to the amount of 240,000*l.* and upwards; and that almost all those presents he has confessed and justified upon the ground that he intended them for the Company. We Variety of presents, amounting to 240,000*l.* have proved that no such intention is any justification. But Pretended justification that they

8 JUNE 1799. we have further proved to your Lordships that that justification is as false in point of fact as it is bad and invalid in point of law; for that there are the strongest indications and symptoms, that, with regard to much the greater part of these presents, he did intend them for himself and not for the Company.

Conduct when presents were refused.

We have proved, upon the fourteenth Article, that even where a present was offered in such a way that he did not think it safe to take it, his conduct was mysterious, double, perplexed and fraudulent; that he set a bad example to the servants of the Company in the first place, and that he afterwards forbore to call them to an account for that money which he knew to be in their hands, not belonging to themselves, but to him or the Company. We have proved that in all those cases he stated false pretences; or, if true, they were such as to invalidate all those pretences, such as they were, which he endeavoured to set up for receiving the former presents.

Appointment of amins.

We have proved that, in defiance of the Act of the thirteenth of the King and the orders of the court of Directors, he did appoint certain amins and inquisitors-general; that in so doing he was criminal. We have proved every circumstance relating to that act to be criminal, and, above all, the principal instrument of that act—being Gunga Gorial Sing; and that powers were committed to him which ought to be committed to no man; he committing to the worst of men that power which no wise man would intrust to the best; that, knowing the corrupt disposition of Gunga Gorial Sing, knowing the Directors' displeasure at appointing amins, knowing the opinion of the Directors was against all innovation whatever, especially all innovation without their consent—he himself having declared his opinion, inconsistent with theirs, that all innovations were bad, but if any changes were made they should be gradual, having declared his opinion of provincial Councils to be such that he wished to have them established by Act of Parliament—he did, notwithstanding, innovate in the way which he had most reprobated, and, instead of a gradual, easy and progressive change, he brought about a sudden one, by the immediate destruction of the old system and the immediate institution of a new one. We have proved that, in that institution, he gave powers inconsistent with the Act of Parliament, and actually betrayed the duty he owed the Company as one of those intrusted with the revenue; that he gave it nominally

Powers committed to Gunga Gorial Sing.

Destruction of provincial Councils.

Unconstitutional powers given to Committee of Revenue.

to four gentlemen, one of whom he had formerly detected 9 JUNE 1790.
in a false account respecting the stipend of the Nawab—a
person whose name occurs in every bribery transaction of
Mr. Hastings.

We have proved that he made diwan to that Committee, Appointment of Gunga Govind Sing as diwan, without check.
without any check whatever, Gunga Govind Sing, whom I
have described, with all the displeasure of the Company upon
him, and put him in a situation in which all the Committee
were, according to the emphatic phrase of Mr. Shore, nothing
but tools in his hand, and could execute no duty but by his
means and with his consent.

If the concurrence of all these circumstances do not per- Concurrence of circumstances proving corruption.
suade your Lordships that Mr. Hastings' end and object,
throughout the government of India, was peculation, either
by means of bribery or presents, nothing that I can say to
your Lordships will convince you of it: for, if such a cloud of
circumstances concurring together, not one of which can be
proved to be the rational conduct of an innocent man, do not
pronounce him guilty, I am sure all arguments and all
attempts at anything like persuasion must fail. These facts
speak much louder in themselves, when stated in your Lord-
ships' view, than any comment of mine, however laboured,
could do.

And here I should rest the business, if it were not to take His Defences.
notice of some defences which have been set up, and which,
perhaps, I omitted in their places.

One defence set up is, that, in point of fact, this Com- Receipts increased by Committee of Revenue.
mittee of Revenue increased instead of diminished the receipts
of the East India Company. Your Lordships will find that
the statement which was endeavoured to be put upon your
Minutes for that purpose has been entirely fallacious, and so
stated to be by the witness who understood these accounts.
You will find three ways of taking this account. We, out
of candour, are willing to leave out of the account and out of
all average the year in which the new institution took place,
because, as it happened at a very improper time of the year, it
made the revenues diminish; but we will not take advantage
of that. If you take the three years preceding that year, and
compare them with the three subsequent, you will find that, in
the three years subsequent, the net receipt was about three
lacs, or 30,000*l.*, less than in the three years preceding. If
you compare an average of four years preceding that year
with four years subsequent to it, you will find the difference in

9 JUNE 1780.

favour of the four prior years to be something about ni laes. But we are under a considerable disadvantage in of these propositions, because we are forced to compare bad administration of Mr. Hastings under a better p with his bad administration under a worse. But, take three years during the existence of the majority Council, and compare them with three years of tl receipt subsequent to the institution of the Commi Revenue—I mean the years 1774-5, 1775-6 and 1 with the three best years of Mr. Hastings—you will find difference in these three years to amount to no less than forty laes or upwards, and that forty laes or u in favour of the years during the administration majority. I thought fit to state this in order to sho there is not a colour or a ground for that defence they set up, and that that, like all the rest of their de is as false in fact as, in my opinion, it would be mug law. In order to repel the state of the account I mentioned to your Lordships, there has been an end to compare the state of the outgoings, and to say that owing to the charge of collection being greater, but tl point of fact, more had been paid. One would hardly that such a thing could be set up seriously as a de while members of a British House of Commons are b these transactions. Let us learn a different sty duty. Our object is to be, not to fill the coffers of the p but to empty the pockets of our constituents. We hear this as a defence:—"It is true the Governor Ge put less into the pockets of the East India Company, b drew more from the pockets of those who were to pay revenue." Let us go to school again, and learn a new sty of revenue.

Protence of
increase in
the charge of
collection.

I have always understood that that was the best syst revenue, when the proportion received into the exche was the greatest in comparison with the proportion t out of the pockets of the persons who paid it. By a sin inversion of European reasonings, we find Mr. Hast defence is, not that he has put more into the treasu the India Company, but that he has taken more out o pockets or substance of the Gentus, their subjects. I sh have thought that such an observation ought rather to come from us, in the shape of accusation, than to be gested by his Counsel, in the shape of a defence.

I thought these observations necessary, to show, as I stated 9 JUNE 1790. before, that all these defences are as false in fact as they are bad in law. But I protest against the whole ground and principle of the defence. If it should be proved that Mr. Hastings, by destroying all the legal checks subsisting in that country, and by giving the country over as a boon, a kind of property, to Gunga Govind Sing—if it should be proved that, by that wicked sale of the whole territory of Bengal to Gunga Govind Sing, the Company had realised more than they could by keeping it in their own possession, I should have said, that is no defence; for neither the East India Company, any King in Europe, the British Parliament itself, nor any government, whether aristocratical, democratical, monarchical or mixed, has any right to take money from persons whom they do not, on the other hand, protect. And the East India Company has no right to draw a revenue from their subjects, without keeping in their own hands a control over the mode and manner of collecting that revenue.

Duty of the Company to keep the control of the collection of the revenue in their own hands.

If they could prove, that, by selling to a tyrant like Gunga Govind Sing—by selling to a man whose infamy of character you have heard—by selling whole provinces to Gunga Govind Sing, they had realised whole krors of rupees, if they had doubled, and trebled, and centupled their revenue, I should still charge the Governor [with maladministration]; considering a revenue always as a means of government and not an end; and considering that, when I raise a revenue I am bound to superintend the collection of it, and to see that what I raise for public use is not abused to private injustice. He who sells or farms out that to another, in any considerable degree, forgets the principle upon which all revenue depends: and Mr. Hastings, by farming it to Gunga Govind Sing, with the enormous power he gave him, did not only afford the means by which tyranny and cruelty might be practised, but did create a probability of such means being practised which amounted almost to a certainty.

My Lords, I have answered the only defences I have heard set up upon these subjects. I will not recapitulate more of what I have said, but I will here sit down, hoping that, though I may have misspent much of your Lordships' time, from not being able to state these things in so correct, accurate and methodical, a mode as I could wish, yet that your Lordships' time and patience has not been wholly

Conclusion.

424 *Summing of Evidence on the 6th, 7th and 14th, Charges:*

9 JUNE 1700. wasted and thrown away, but that I have proved such a scene of iniquity, both with respect to the receiving bribes and collecting the revenues, as will call upon your Lordships for, not only a verdict of "Guilty," but a punishment of as severe and weighty a nature as ever was inflicted upon any man in this country, for any misdemeanour whatever.

**RECEIVED OF THE HON. ANDREW ST. JOHN, MANAGER
FOR THE HOUSE OF COMMONS, IN OPENING THE
FOURTH ARTICLE OF CHARGE, RELATING TO
CORRUPT CONTRACTS ; 23 MAY, 1791.**

My LORDS,—I am instructed by the Managers for the 23 MAY 1791.
Commons to open to your Lordships the evidence which is
to make good the fourth Article of this Impeachment.

Ull this moment, my Lords, the conduct of the most im- Apology for
deficient
ability.
tant cause which has ever been agitated in the world has
been in the hands of gentlemen whose talents and eloquence
it have, undoubtedly, made upon your Lordships' minds
an impression which the ends of justice require. It is now,
ever, my Lords, unfortunately for those ends, committed
to a person who must naturally feel extremely apprehensive
of the imperfect manner in which he is about to discharge
the duties of the responsible and important situation in which
he stands ; and he must also, my Lords, feel extremely
anxious that your Lordships would not imagine that this
is of the cause, which has been entrusted to him, is unim-
portant, because he is destitute of talents or eloquence.

My Lords, the Commons in this Article impeach Warren Charge of
prodigal and
corrupt
system of
government.
 Hastings of having established in India a prodigal, but, above
all, a corrupt, system of government. Prodigality in the man-
agement of the affairs of such a great commercial company
as the East India Company, corruption in the government
of such a great empire as that of Bengal, are, undoubtedly,
my Lords, crimes of the first magnitude and importance ;
especially when we consider the mighty operation that
is carried on by prodigality and that corruption necessarily must have
on the revenues, the commerce and the credit, of Great
Britain, but, above all, on that over which it is the
sacred duty of the Commons to be eminently watchful—
the liberties and constitution of Great Britain. For, my
Lords, vain indeed would be all the cautious jealousy with
which the Commons have till now watched the expenditure

23 MAY 1791. of public money in this country, and all those restraints which the wisdom imposed upon the influence arising from the General of Bengal could, for the personal influence, establish a system could, my Lords, all the fences which the national virtue and public integrity had thrown down. The wisdom of our ancestors fortified this constitution with bulwarks against all open attacks. But all those bulwarks and the same foundation—the national morality, the spirit and love of liberty of the subjects of Great Britain. If anything tends to weaken that foundation which are raised upon that foundation resisting even the slightest attack, and the constitution of Great Britain will be no more. If, which Mr. Hastings established had every corrupt system of government shake and to weaken the morals of the people, the love of liberty and the pure principles of minds of those who are to govern—Mr. Hastings established had that tendency need not any longer impress upon the importance of this Article.

My Lords, this Article charges Mr. Hastings with having established a system of corruption. The facts charged in this Article, it is said, are to one or two particular instances, but the corruption brought are divisible under corrupt contracts, illegal allowances, principle which must appear to be corruption, and with a commission unlimited almost in extent.

Before, however, I enter into the details, it will be necessary for me to make an observation to] whether Mr. Hastings, in the expending of money, was left to his own discretion, or bound to obey the orders of the court of Directors, it was Mr. Hastings' duty to obey the court of Directors, not only as a servant, but he was specially bound to do so by the Act of 1773. The Act of 1773 has, during the last session, been frequently before your Lordships.

Instances of corruption classed under contracts, allowances and agencies.

Question of absolute discretion in expending.

Mr. Hastings bound to obey the orders of the Directors.

that Act to establish a regular system of subordination throughout all the possessions of the Company. With that ^{23 MAY 1791.} ~~aw,~~ it invested the Governor General and Council with certain powers to control and to superintend the other residencies. But, my Lords, the legislature, at the same time that it gave to the Governor General and Council of Bengal that extended authority, thought it wise to accompany it with certain restraints; for, in the very clause which gives to the Governor General and Council that controlling and superintending power, they are expressly enjoined to pay obedience to all orders of the court of Directors.

In consequence of that injunction, the court of Directors framed a regular code of instructions, to be the permanent rule of conduct in certain instances for the Governor General and Council. Before, however, they transmitted that code of instructions to India, they laid it before the most learned counsel who then adorned the bar of this country, for their opinion—whether those instructions were legal with the Act of 1773, and consistent with its provisions. After those instructions had been sanctioned by the opinions of Mr. Dunning, Mr. Wallace, Sir John Skynner, Mr. Jackson and Mr. Sayer, they were transmitted to India. And it is the 5th article of those instructions that relates particularly to the manner in which contracts are to be made. The 36th article of the instructions is as follows:—

Code of instructions from the Directors.

Sanction by the opinions of Counsel.

Article relating to contracts.

“As all the Company’s business which can conveniently be performed by contract is so performed in Bengal, we have only to direct that all contracts, with the conditions, be publicly advertised, and sealed proposals received for the same; that every proposal be opened in Council, and the reference given to the lowest, provided sufficient security shall be offered for performance; and that all such proposals, with all proceedings thereon, be entered in a book, to be kept apart for that purpose and regularly transmitted to us.”

Your Lordships therefore see that all contracts were to be advertised, and given to the lowest bidder, and that sufficient security should be taken.

The first crime which is charged in this Article against Mr. Hastings is, granting a contract to Mr. Stephen Sullivan, the son of the Chairman of the court of Directors, in which contract he observed no one rule prescribed in that 36th article of the general instructions. Before, however, I detail that transaction to your Lordships, it will be necessary to see the manner in which opium first of all became a concern of the government of Bengal, and the manner in which that

Contract granted to Mr. S. Sullivan.

23 MAY 1791.

Management
of opium by
the Com-
pany.Contract
granted to
Mir Munnir
in 1773.The con-
tract adver-
tised in 1775.Corrupt
system com-
menced by
Mr. Hast-
ings after
Colonel
Monson's
death.Grant of the
contract in
1777 to
Mr. Mac-
kenzie.Disapproba-
tion of the
Company.Contract
again given
to Mr. Mac-
kenzie.

concern was managed, previous to the contract granted to Mr. Sullivan.

From the earliest period of the British management of opium had been in the hands of gentlemen of the Council of Patna, at the expense of private advantage. The best and the most profitable mode of opium is the growth of the province of Bengal, upon the proposal of Mr. Hastings, it was granted in full and a contract to furnish that article of the name of Mir Munnir. The Company's proceedings of that day the reason why it was that, having been employed in Patna in the management of that business in it he was the best calculated to calculate advantage to the public. I shall have the honor to remind you of that reason.

In the year 1775, General Clavering, Mr. Francis, being arrived in Bengal, he gave a strict obedience to all the orders of the Company, particularly to all such orders as relate to the revenues or expenditure of the Company. They accordingly advertised the contract to Messrs. Griffiths and Wilton, the short was the period in which the Company made the orders of the Company the contract. That period was unhappily terminated by the death of Colonel Monson, by which, it is well known, it obtained a decisive superiority in the management, then, from the restraint which the Company imposed on him, he set himself heartily to the task of that corrupt and prodigal system of government, my duty to prove to your Lordships the necessity of it.

In 1777, the contract was granted to Mr. Mackenzie for three years, without advertising—and without the sanction of the orders of the Company. A copy of the Company, in their general letter of the 23d of March 1777, express their disapprobation of the contract, given without advertising, because the contract had been obtained for the public. On the subject of what did Mr. Hastings do? Did he, Mr. Mackenzie's contract, advertise it

bidder? No! he gave it again to Mr. Mackenzie, ^{23 MAY 1791.} ly on the same terms as Mr. Mackenzie had held it contract which had been censured by the court of

rs. however determined Mr. Hastings might be not to be l in his corrupt career by the orders or repeated orders court of Directors, yet he had foresight enough about see that if, by a judicious management of that corruption, ld induce the court of Directors to wink at his crimes, ld have little to fear from the virtuous but feeble ion he might still meet with in the Council of Bengal. for that judicious but criminal end that, in the year he gave the contract for opium to Mr. Stephen n. This gentleman, in order to have discharged the of the several situations in which either fortune or ce had placed him, must indeed have possessed uni- talents. He arrived at Bengal in October 1780. He arcely put his feet on the shore when, on the same fr. Hastings made him the assistant of his councils; if to partake in the cares and labours of government t sufficient to give employment to his active mind, astings added to that employment the office of Judge ate of Bengal. My Lords, Mr. Sullivan had scarcely his place at the Council table as Mr. Hastings' assistant, not yet warm in the seat of justice as Judge Advocate, Mr. Hastings added to these employments one which with no decency he held by a councillor of state or a —the employment of a contractor. The first step Mr. Hastings took in that business was on the 16th of , 1781, when he entered the following minute:—

Contract granted to Mr. S. Sullivan from corrupt motives

Various appointments enjoyed by Mr. Sullivan.

the present is the season for making advances to the contractors opium lands, and the contract has been annually settled, the x General recommends that it may be granted to Mr. Stephen r; and, to indemnify the contractor from any losses that he may ly sustain [in the provision of this article by any disturbances y happen in the Bahar province, in consequence of the present n of our affairs, he further recommends that the contract may ed for the term of four years from the 1st of next September], on itions of the present contract.”*

Minute of Mr. Hastings recommending the assignment of the contract to Mr. Sullivan.

e your Lordships see that the apprehensions which astings entertained in his mind, lest any disturbances so arise in the Behar province as to interrupt the of Mr. Sullivan's fortunes, were such as to induce him

The contract granted for four years.

* Printed in the “ Minutes of the Evidence,” p. 1313.

23 MAY 1793. to propose to the Council that the

granted to Mr. Sullivan for four years

beginning of his minute, he says had
But, if any disturbances were really

Behar provinces, was it likely that the

disturbances could be obviated by the

element of the nicest and most difficult

fractures to the conduct of a young

Bengal, by whose mismanagement so

local industry might have been lost

possible not to call back to your

mentioned at the beginning of what

saying—the reason Mr. Hastings

upon giving the contract to Mr. Munro

granted it—namely, that from his

best calculated to conduct it with

advice. But, however the public might

suffer from his inexperience, care was taken that he

was not a loser by it; for, though Mr. Hastings

proposed that the contract

should be given to Mr. Sullivan precisely on the same

terms as the contract given by Mr. Mackenzie, yet, on the 22d of

afterwards, Mr. Hastings comes to the

conclusion that the penalty upon the non-performance

of the contract shall not be as proposed in the former

contract of Mr. Munro, but that it should be reduced to

one-half of the penalty annexed to the present contract

of Mackenzie's—"that magnitude of the

penalty was intended to defeat the

intent of the stipulation." How

sum of the penalty was to defeat the

the stipulation I am at a loss to

comprehend. But, my Lords, after the contract

was given to Mr. Sullivan, the

incumbrance of an effectual penalty

Inexperience of
Mr. Sullivan.

Mitigation of penalty
for non-performance of
contract.

Mr. Hastings' reason
for the mitigation.

Abolition of
office of inspector.

smallest degree of distrust of the perfection of that commodity which, I shall prove to your Lordships, requires, in ordinary men, long experience and minute attention to become masters of.

As soon as the ceremony of signing the contract was over, Mr. Sullivan lost no time in putting the contract to the use which every step which had been taken in the business clearly showed was originally meant, namely, the selling of it. He sold it, almost immediately after he had the contract, to Mr. Benn. Mr. Benn soon afterwards sold it to Mr. Young; and Mr. Young was the person who, in point of fact, really executed the contract. Mr. Young gave for the purchase of the contract 15,000*l.* a year, for four years, namely, 60,000*l.* Now, whatever Mr. Young gave to an individual for the purchase of the contract he would have given to the public, if he had had an opportunity of doing so by the contract being advertised, according to the orders of the Company. From all these circumstances then it appears that, in a time of war and difficulty, Mr. Hastings did divert 60,000*l.* from the public treasury, in order to make the instant fortune of the son of the Chairman of the court of Directors.

Sale of the contract by Mr. Sullivan.

Purchased by Mr. Young for 15,000*l.* a year.

But, my Lords, what an aggravation it is of this prodigality and this corruption, when we consider the year and the time when this transaction happened. The contract was signed in June, 1781; and, in July of the same year, Mr. Hastings, assuming to himself all the power of the Company, clothing himself with all the arms of the Company, and grasping that sword of vengeance which was soon to fall upon the head of that devoted prince Cheyt Sing, went up to Benares to depose that unfortunate monarch, only because he had been dilatory in the payment of 50,000*l.*—a sum not equal to that which Mr. Hastings had been making a present of, as a gift, to the son of the Chairman of the India Company, as a welcome on his arrival in India.

Aggravation from period of the transaction.

Deposition of Cheyt Sing.

But, though Mr. Young gave only 60,000*l.* for the purchase of the contract, it by no means follows that he gave the full value of the contract; and that will be best ascertained by comparing the contract which was given to Mr. Sullivan with the contract that was next given, agreeably to the orders of the Company, namely, the contract in 1785, to this same Mr. Young and Mr. Hetley; and, by that comparison, it appears that the loss sustained by the Com-

Loss in the contract estimated at 160,000*l.*

23 MAY 1775. pany in this transaction was 13 lacs 11,635 sicca rupees, which amounts to about 160,000*l*.

Smuggling transaction with China. I have now, my Lords, done with the contract granted to Mr. Sullivan. I proceed next to the second crime charged in this Article, namely, the having engaged the East India Company in a smuggling transaction with China.

Illicit trade in opium to China. In the answer which Mr. Hastings has made to this Article, he acknowledges that he knew the importation of opium was prohibited by the law of China, but, at the same time, asserts that it was proper and expedient for the Company to engage in it. Mr. Hastings is a gentleman of strong maxims. He has advanced many curious principles in politics and ethics; and he is to prove to the first nation in the world that they have carried on the trade of the world on mistaken principles; that faith and good dealing are [worthless], and that fraud and smuggling are the only means by which merchants can acquire fortunes or preserve characters. But I shall maintain that, as it was highly disgraceful to the India Company to engage in any illicit trade whatever, so it was highly criminal in him that engaged them in it. No pecuniary advantages, however great, supposing this transaction had been in that light advantageous, could have compensated for the discredit it brought upon the Company and the disgrace it fixed upon the British name. But under what penalties was this trade prohibited in China? The opium, on seizure, was burnt; the vessels in which it had been imported were confiscated; and the persons in whose possession opium was found for sale were punishable with death. And this is the trade which Mr. Hastings with confidence tells your Lordships it was proper and expedient for the Company to engage in!

Penalties on the importation of opium by the laws of China.

Disobedience to orders of Directors.

But, my Lords, the Company had not left him at liberty to judge of the propriety or expediency of any trade in opium; for, on the 15th of December, 1775, they order the opium to be consigned to the Board of Trade, by whom the produce of the sales was to be applied to the purchase of the investments for the year. On the 16th of May, 1780, Mr. Hastings takes from the management of the Board of Trade the sales of opium, and orders the opium to be consigned to the Council; and it is in consequence of that disobedience of the Company's orders that I attribute any difficulty, if, in point of fact, any difficulty did arise, in obtaining a sale for the opium afterwards.

But if any difficulty in point of fact did arise, whom did Mr. Hastings consult? Any intelligent or enlightened merchant, who had made that manufacture his particular study, or who might in general be conversant with the trade of the East? No, my Lords, it was a British officer, a colonel of engineers, whose advice was to give additional vigour to the declining commerce and expiring trade of the Company. Colonel Watson, for that is the name of this military merchant, in the beginning of 1781, delivered a treatise to the Council, in which he censures the manner in which, not only the English, but every European nation, had carried on the trade with China, and, in order to improve the British trade, he recommends the monopoly of opium; and his letter naturally concludes with a proposal of a ship of his own to carry this trade into execution.

23 MAY 1791.
Monopoly of the opium trade recommended by Col. Watson.

But Colonel Watson was not the only person employed in his disgraceful experiment of improving trade by the means of smuggling. Mr. Thornhill, another gentleman, made a similar proposal, which was also accepted; and, in order to enable these gentlemen to carry their project into execution, the Company engaged in two loans—the first loan on the 10th of July, 1781; the second loan on the 22d of November that same year. These dates, my Lords, are remarkable; for whilst the Council at Calcutta was converting the treasury of the Company into a bank, to enable them to carry on smuggling, Mr. Hastings was pleading state necessity to justify his cruel and perfidious conduct to Cheyt Sing, and to justify the plot he was forming against the Begums.

Loans raised by the Company.

The supercargoes at Canton, in their letter of the 28th of December, 1782, write to the court of Directors, and give an account of the success of this project. They state the loss sustained by the Company at about 69,000 dollars. They say that that loss arises from the trade being contraband, and also from the circumstance that private interest seems to have interfered too much for any advantage to be derived by the public. But I wish to lay no stress whatever upon the loss sustained by the Company in this transaction. Had it proved ever so advantageous, the crime, in my opinion, would have been precisely the same, because the crime was the having engaged the East India Company and the government of Bengal in so mean and disgraceful a transaction. The loss only showed the Company were very awkward smugglers.

Loss accruing from the trade.

3 MAR 1791. In the answer which Mr. Hastings has made to this Article, he has asserted that there was no such thing as a private purchaser at the moderate rate of 400 rupees a chest. He asserts this, in order to justify his attempt at selling the opium by means of this contraband trade. But this was Colonel Watson, who was the instrument and means of carrying on this smuggling business, did, himself, make an offer to the Council to take 250 chests of opium, at any price the Council should think reasonable. The Council fixed what, in my opinion, seemed a reasonable price, namely, the average price of the last year's sales. The average price of the last year's sales was 486 rupees a chest. Therefore Colonel Watson, the same person who carried the opium to China under this pretence, did himself, give for 250 chests of opium 486 rupees a chest.

I stated, however, the loss as accounted for by the supercargoes at Canton at 69,000 dollars; but I think the fair way of estimating this loss would be to compare it with what opium did, in point of fact, sell at, in any quantity, at Calcutta, at that time. For, though Mr. Hastings has made a pretence of there being no sale for opium, in point of fact, in the course of that year, there were sold 3,549 chests, which produced upon an average 380 rupees per chest. A great part of this opium was Bengal opium, and of an inferior quality.

Now, supposing the opium sent to China had been sold even ten *per cent.* lower than the price paid for this opium which had been sold at Calcutta, the Company would have received 3 lacs 91,385 rupees more than they received by sending the opium to China; therefore the real loss sustained by the Company was 3 lacs 91,385 rupees, amounting to 39,000*l.*

Other instances of corruption.

Precautions of Directors respecting contracts for bullocks.

But, my Lords, as Mr. Hastings' government was in every part of it a system of corruption, his disobedience to the orders of the Company, and his waste of their treasure, was not confined to the management of opium alone, but extended in an equal, if not in a greater degree, to every branch of the expenditure of their money. No part of the expenditure of the Company's money had the court of Directors been more anxious to keep out of the reach of abuse, not only to prevent the extent to which that abuse was liable to be carried, but because the object was of the utmost importance to them, considering them as possessing

ent military establishment in India—I mean that there 23 MAY 1791.
 as no part of that expenditure of which they were more
 anxious to prevent abuse than the different contracts which
 had been made for furnishing bullocks for the draft of the
 baggage of the army. So early as 1770, the court of Directors
 had entered into a minute investigation of the different abuses
 that had prevailed at that time, in the different contracts that
 had been granted for that purpose; and in consequence of
 that investigation they sent these orders to Bengal:—

“It is our express order, and we hereby positively direct, that you do Order for
advertising
the contract.
 not fail every year to advertise for and receive such proposals as may be
 offered for supplying the troops with provisions (and for furnishing
 weight and carriage bullocks, to be employed with our army; and that
 we do in all cases accept those proposals which may appear the most
 reasonable in point of charge: and you are also to take care that, in all
 our advertisements, a sufficient time be allowed before the expiration of
 the contract which may then subsist, or the time which you may limit
 for receiving] proposals for such contract.” *

I need hardly mention to your Lordships that, during that
 period in which the majority of the Council was composed of
 General Clavering, Colonel Monson and Mr. Francis, this
 order, together with all other orders, was strictly obeyed.
 But, my Lords, in 1777, as soon as Mr. Hastings had an Assignment
of contract
to Mr. John-
son without
advertis-
ment.
 opportunity to disobey those orders, he laid before the
 Council two proposals for furnishing this contract—the one
 from a Mr. Johnson, the other from a Mr. G——; and,
 upon the motion of Mr. Hastings, the proposal of Johnson
 was accepted for three years, without the contract being adver-
 sed; by which the orders of the Company were doubly
 disobeyed, inasmuch as the contract ought to have been
 advertised, and ought not to have been given for a longer
 period than one year.

But, on the 15th of July, 1779, Sir Eyre Coote lays Emenda-
tions in the
contract
proposed by
Sir Eyre
Coote.
 before the Council certain emendations, as they were called,
 of this bullock contract. There had expired, of the period
 of Johnson's contract, only about a year and a half. On
 the 9th of August, Mr. Hastings moves that a new contract
 shall be entered into, agreeable to the plan proposed by
 Sir Eyre Coote, and that an offer shall be made to the then
 contractor to relinquish his former contract and accept a
 new one in conformity to that plan. Mr. Johnson desires

* Letter of Court of Directors to the Council; dated 23rd March, 1770,
 paragraph 134.—Printed in the “Minutes of the Evidence,” p. 1341.

ould at one and the same time be called out in the field ^{23 MAY 1791.}
 on actual service, that number was the utmost number
 which the public service could in any situation require. But
 the service of the contractor required something more;
 before upon the 9th of August Mr. Hastings proposes a
 contract shall be made for 6,700, namely 2,626 more than,
 the opinion of the Commander-in-Chief, would be neces-
 sary if the whole of the army was called out upon actual
 service.

Upon that head alone, I believe, the additional expense, ^{Increased rate of contract.}
 incurred by contracting for 2,626 bullocks more than was
 necessary, amounts to about 35,000*l.* a year. But the rates
 which the whole numbers were contracted for were
 raised; and the difference which that made between
 Crofts' contract and Mr. Johnson's was 234,419*l.*, and
 the whole difference of the expense, I believe, between Crofts'
 contract and Johnson's, was 304,885*l.*

Sometime, and, I believe, immediately after this contract ^{Neglect of order to advertise the contract.}
 was signed, the Governor-General and Council ordered that
 copies of it should be published in general orders, and, I believe,
 read at the head of every regiment in the service. They
 had taken that step to give notoriety to the transaction,
 when the Company's letter of the 23rd of December, 1778,
 arrived in Bengal, which letter censures the contract which
 had been granted to Johnson, because it had been granted
 for three years, and not advertised; and the court of Direc-
 tors, in that letter, with the view of enforcing obedience to
 their orders in future, direct that the 134th paragraph of
 their letter of March, 1770—which included the orders
 relative to the manner of making bullock contracts—should
 be given out in general orders, and read at the head of every
 regiment in the service. If Mr. Hastings had complied with
 that order he would have stood in a very whimsical and
 awkward situation. On the one hand would have been read
 the contract granted to Crofts, and on the other would
 have been read the orders of the court of Directors censur-
 ing the mode in which that contract had been granted.
 Mr. Hastings would, therefore, have proclaimed to all India
 his own disobedience, and every adjutant would have con-
 sidered, at the head of every regiment, on the one hand, the
 orders of the Company, and on the other, Mr. Hastings'
 abrupt and wilful disobedience of them.

In order to avoid disgrace, Mr. Hastings hit upon an
 expedient perfectly characteristic of himself. He wrote to
 the court of Directors, and coolly told them that, when they

before received some particular orders upon the subject, 23 MAY 1791. namely, their censure upon the agency which had been granted to Mr. Auriol; so that he not only knew that agency was a mode of conducting the public business disapproved of by the Company, but he had, in the Company's letter of July, 1782, their express orders not to conduct any of their business, if it was capable of being conducted otherwise, by the mode of agency.

I come now, my Lords, to a part of the Article in which is implicated the character of an officer who, during the course of a long military life, performed many services to the state as well as to the Company—I mean Sir Eyre Coote. But attention to the character and memory of that person ought not to be carried so far as to induce us to shut our eyes to one of the most corrupt transactions during the whole time of Mr. Hastings' government in India. When Sir Eyre Coote arrived in Bengal the Council was composed of Mr. Hastings, Mr. Barwell, Mr. Francis and Mr. Wheeler. Mr. Hastings possessed the majority of the Council only by his casting vote. It was, therefore, of the utmost personal importance to Mr. Hastings to obtain, by any possible means, the support of Sir Eyre Coote; and I am sorry that the means by which he did obtain the support of Sir Eyre Coote cannot be mentioned with any credit to the memory of that departed officer.

Corrupt means employed to secure the support of Sir Eyre Coote in the Council.

The Act of Parliament of 1773 fixes the salary of all the subordinate members of the Council at 10,000*l.* a year. There was an order of the court of Proprietors fixing the salary of the Commander-in-Chief at 6,000*l.* a year; so that Sir Eyre Coote, being one of the Council and also Commander-in-Chief, was possessed of an income of 16,000*l.* a year. Soon after his arrival in Bengal, Sir Eyre Coote made an application to the Council to receive the allowances which had been granted to General Stibbert, amounting to about 8,000*l.* a year. I need hardly mention to your Lordships that, whilst General Clavering was Commander-in-Chief, he received no more than the salary which was fixed by the court of Proprietors, namely, 6,000*l.* a year; and, what is remarkable, Sir Eyre Coote himself brought out a letter with him from the court of Directors, directing that no Commander-in-Chief should be allowed a greater salary than what had been possessed by General Clavering. When this requisition of Sir Eyre Coote is considered by the Council, Mr. Hastings, instead of acquiescing in Sir Eyre Coote's

Salary as member of Council and Commander-in-Chief.

Allowances.

23 MAY 1791. demand and giving him the amount of allowances, moves that he shall receive a year addition, but eighteen !

The allowances charged to the Nawab of Oude.

And here is another curious circumstance. There was a clause in the Act of Parliament no member of the Council shall on any account receive any present, donation or gratuity from any of the native princes of India. I brought that clause before his eyes, moves that the allowances shall be put to the account of one of the native princes of India. I then in his place in the Council moved, that Parliament should be broken as far as that injunction of the Act should be broken. This was moved to Sir Eyre Coote. There was, beside the Act of the year 1775, with the Nawab of Oude, the terms of the subsidy are fixed, the pay for his service is ascertained, and there is no account whatever shall any demand be made on the Nawab of Oude.

Correspondence with the Nawab.

Besides this disobedience of the orders of the court, the order to avoid the orders of the court, the salary to be paid by the Company under the treaty with the Nawab of Oude was not paid. A letter is written to the Resident, Mr. Hastings, that he would acquaint the Nawab of Oude that the salary of Sir Eyre Coote was beyond the Kurree, and that he would be debited for the amount of his salary. The answer to that letter is written; and the Nawab replies that he would not have granted it, as he had done to other gentlemen. That answer of the Nawab a curious circumstance. Mr. Hastings and the Council desire that the Resident should apply to the Nawab to know what he would do. The answer was "as had been done to other gentlemen." The Nawab gives is, that he had never granted it to other gentlemen; if he had he would not have granted it. That the question was not proper to be put to the Nawab, and that the Nawab had been written to the Nawab telling him that he would be debited only for the amount of the salary of Sir Eyre Coote was beyond the Kurree. The answer was wherever Sir Eyre Coote was, the amount of his salary was to be paid.

was, in fact, debited for the amount of those allowances. 23 MAY 1701.
 When these circumstances are told the court of Directors, Order of the Directors to stop the allowances.
 they send an immediate order to Bengal to put a stop to
 these allowances. Mr. Hastings apparently does put a stop
 to these allowances; but, in point of fact, Mr. Hastings
 by his own authority, not only continues the amount of them
 upon the Nawab, but even increases them; so that, after the
 orders of the Directors have been received that Sir Eyre
 Coote is not to receive the 18,000*l.* a year, they are increased
 to the amount of 20,000*l.* The whole amount with which
 the Nawab was charged for Sir Eyre Coote amounts to
 73,984*l.* But during this period General Stibbert also re-
 ceived his allowances; so that the whole money which has
 been lost by the Company and by the Nawab of Oude in
 this transaction amounts to 108,991*l.*

The next crime charged in this Article against Warren
 Hastings is, the agency granted to Mr. Auriol. The pretext
 for this agency was the distressed situation of the settlement
 of Madras, and the famine which prevailed in the Carnatic.
 It was, undoubtedly, Mr. Hastings' duty to provide every
 means for the relief of the settlement of Madras, and for the
 support of the inhabitants of the Carnatic; and if, in the
 discharge of that duty, Mr. Hastings had with a liberal and
 humane hand applied all the means which either the revenues
 of Bengal or the credit of the Company would have afforded,
 he would, in my opinion, have deserved praise instead of
 punishment, and I would have spoken of him in the language
 of the humane religion which we profess—"Charity covereth
 a multitude of sins." But if, my Lords, the prodigality in
 this transaction arose from no such humane enthusiasm, but
 from a corrupt intention to make the fortune of a favourite
 individual, I have then to lament that the heart of that un-
 fortunate gentleman did not glow with those sentiments of
 charity and humanity which I am confident animate the
 minds of every one of your Lordships.

My Lords, can anything be more flagrant, can any-
 thing demonstrate the prodigality and corruption of this
 transaction more, can anything stamp it with the marks of
 corrupt connivance in a more indubitable manner, than the
 principle upon which this agency was founded—this mode
 of accounting upon honour—this new rule of arithmetic?
 My Lords, applying to matters of account the assertion of a
 gentleman or his word of honour, instead of proof and instead
 of vouchers, is perverting the noblest sentiments of the

Order of the Directors to stop the allowances.

Increased allowances charged on the Nawab.

Total of charge.

Agency granted to Mr. Auriol. Distress at Madras, and famine in the Carnatic.

Accounts passed without vouchers.

apply, not Madras alone, but every settlement of the India Company, even including the little island of St Helena, which was not to escape out of the verge of this corrupt transaction. Mr. Hastings moves that Mr. Auriol shall be appointed agent for all the Presidencies and settlements of the India Company; and, instead of the usual commission, he moves that he shall have a commission of fifteen *per cent*.

My Lords, it is curious—the way in which these accounts of Mr. Auriol's come afterwards before the Accountant General. They are referred to the Accountant General, Mr. Larkins, and he considers them. He says he is not at liberty to call for any vouchers, because Mr. Auriol is upon honour, but that the addition of the sums is correct. And so all Mr. Auriol's accounts have passed. And it is not a rising sum; for the whole money which has been issued to Mr. Auriol, and which is accounted for, at this moment, in no other manner than upon Mr. Auriol's word of honour—which is far as the word of honour of any individual goes, may be good; in a circumstance in which that word of honour is it to be taken, I make no doubt but Mr. Auriol's is as good as mine or any other gentleman's—but in a matter of account, Mr. Auriol's word of honour is the only proof or voucher of the right expenditure of 430,000*l.*, at this moment unaccounted for in any other manner; and the amount of his commission upon that sum is 34,397*l.*

The accounts referred to the Accountant General. Vouchers not produced.

Amount of the account.

There is remaining only one more article of criminality in this Article, namely, the agency which was granted to Mr. Belli. This was an agency to supply the garrison of Fort William with stores and provisions. It was a new appointment, and, in the opinion of some, unnecessary; but, after the Council had agreed to create such a new appointment, a doubt arose how to fix the degree of commission which the agent was to have upon the amount of his disbursements, and for his trouble, and the waste of stores and other articles. It is agreed by the Council to refer the decision of that circumstance to merchants of character. The opinion of merchants is taken, and they report that twenty *per cent*. is sufficient. Mr. Hastings, who had agreed in taking the opinion of merchants, when he has that opinion, instead of acting upon it, moves that the commission shall be thirty *per cent*. instead of twenty: and, when that is objected to, he says that he will make himself responsible for the honesty of the agent that he proposes, namely, Mr. Belli, who was his private secretary; that he will make himself

Agency granted to Mr. Belli, to supply stores to Fort William.

Extravagant commission allowed.

25 MAY 1791. responsible, not only for his honesty, but also for the amount of that commission, if the court of Directors should disapprove of it. The court of Directors do disapprove of it, and require Mr. Hastings to see that the amount of that commission should be lessened, and that Mr. Belli shall only be permitted to draw for twenty *per cent.* When this letter comes to Fort William, Mr. Hastings shuffles it off, and refers it back again to the court of Directors. In the meantime, to secure the profit to Mr. Belli, he moves that a contract shall be entered into for five years; and the date upon which that motion was made was the famous day, the 9th of August, 1779, when he had moved that the contract should be granted to Mr. Crofts for five years. That contract was accordingly granted to Mr. Belli; and the amount of the commission drawn by Mr. Belli beyond the twenty *per cent.*, which was the amount the merchants had fixed it at—and amongst those merchants was this same Mr. Crofts—the amount drawn beyond the twenty *per cent.* was 34,433*l.* Therefore the loss sustained by the Company in that transaction was 34,433*l.*

Letter of the Directors disapproving the commission.

Contract granted for five years.

Loss to Company from excess of commission.

General amount of loss from the several contracts.

Loss on contract to Mr. Sullivan.

Loss on illicit trade to China.

Loss on bullock contract.

I have now, my Lords, gone through the different articles of crime in this charge. I am perfectly conscious that I have gone through it without doing justice to the subject; but, at the same time, my Lords, the facts which will appear in evidence, and the able manner in which that evidence will be commented upon, will be such as will make up for my inability on my part. But, at the same time, before I sit down, I will state to your Lordships the whole amount of the loss sustained by the Company upon each of these different transactions, and add them all together.

The amount of the loss upon the contract granted to Mr. Sullivan is 13 lacs 11,635 sicca rupees, amounting to 163,954*l.* I estimate this loss, comparing it with the contract which was granted in 1785, agreeably to the order of the Company, when the best terms had been obtained by the Company, in consequence of the contract having been advertised and given to the best bidders.

The next article of loss is the illicit trade in opium to China; that is, comparing it with what the opium would have sold for at Calcutta, if it had not been exported to Canton, amounting to 39,138*l.*

I next come to the bullocks. The loss of the Company in that transaction may be calculated in different ways. But supposing—what was not the case—supposing that these

,700 bullocks were necessary, the increase of the rate at which they were contracted for beyond the rate of Mr. Johnson's contract would be a sum of money in the pocket of the contractor of 185,639*l.*; to which must be added what was paid to Mr. Ferguson for relinquishing his contract, and also 10,000*l.* given to Sir Charles Blunt as rent for the purchase, I believe, of the bullocks. But in this calculation is omitted the amount of the expense of the 626 bullocks beyond what was necessary: and the whole rests upon the bullocks amounts, in the number I have mentioned, to 203,468*l.*

The next article is the loss on Sir Eyre Coote's and General Stibbert's allowances, amounting to 108,991*l.*

The next is the agency of Mr. Auriol; the loss upon which is 34,397*l.*, which is the amount of his commission at fifteen *per cent.* beyond the usual commission of five *per cent.*

And, last of all, is the agency of Mr. Belli, which is 14,433*l.*;—all together amounting to 584,381*l.*

Now, my Lords, there are various ways in which one might compare that loss, and show the bad effects it had, and the enormity of it. The amount of the capital stock of the East India Company, at that time, was three millions sterling; the interest payable upon it was eight *per cent.*; therefore the dividend upon that stock would be 240,000*l.* Then, my Lords, the loss which the Company sustained, by the extravagant and profligate waste of money and corrupt transactions which I have detailed to your Lordships, amounts to more than two years dividend upon the whole capital stock of the India Company at that time.

But there is another point of view in which I shall beg your Lordships to consider the profligacy, extravagance and corruption, of this business. There have been before your Lordships, during the course of this trial, many circumstances justified—indeed all the Articles which have been gone through, till this, have been different acts of bribery, justified—I think not justified, but attempted to be justified—upon the ground of the distressed situation of the Company. Compare, my Lords, the amount of those different bribes so taken—taken most undoubtedly, some of them, with a view of not being put to the Company's account, but wrested from Mr. Hastings' pocket in various manners by consciousness of his own guilt and fear of detection—compare the amount of these profligate transactions and this extravagance with the amount of the money so obtained for the East

23 MAY 1791.

Loss on agency of Mr. Auriol.

Loss on agency of Mr. Belli.

Reflections on the injury sustained by the Company.

Corrupt motives.

23 MAY 1782. India Company. Compare it with the amount of the money which Mr. Hastings obtained, by various infractions of the treaty, from Cheyt Sing, which amounted to three years' payments of only 50,000*l.* each, that is, 150,000*l.* Compare it with the money obtained by that violent and cruel measure of driving the Nawab to plunder his mother. The money obtained was, I believe, fifty-five lacs of rupees. The amount of that money was not equal to the amount which Mr. Hastings had squandered in providing for several dependants, by whose support he was in hopes to have obtained impunity for his crimes. Then you will be able to understand the motives and grounds upon which Mr. Hastings has endeavoured to justify those many violent acts of cruelty and oppression.

Besides the allowances granted to Sir Eyre Coote, under the head of allowances charged to the account of the Nawab Wazir, there may be possibly other allowances upon which evidence may be brought.

Conclusion.

My Lords, I am sensible that I have taken up more of your Lordships' time than I ought to have done. I now sit down, trusting that you will make every allowance to the imperfect manner in which I have discharged the duty of the situation in which I now stand, confiding that the strength of the evidence, and the able manner in which that evidence will be commented upon, will make up for all my inability.

**SPEECH OF SIR JAMES ERSKINE ST. CLAIR,
MANAGER FOR THE HOUSE OF COMMONS, IN
SUMMING UP THE EVIDENCE ON THE FOURTH
ARTICLE OF THE CHARGE, RELATING TO
CORRUPT CONTRACTS; 30 MAY, 1791.**

MY LORDS,—The Commons having now closed the evi- 30 MAY 1791.
lence in support of this Article of Charge, it becomes my
duty to endeavour to perform the task, which they have done
me the honour to impose upon me, of recapitulating to your
Lordships the evidence you have heard, and submitting to
you such arguments as, in our judgment, properly result
from it. But, before I enter on that detail, perhaps it will
become me to state shortly to your Lordships the scope and
nature of the charge, and also the object and ends which the
Commons have proposed to themselves in insisting upon this
Article.

Scope and
nature of
the charge.

My Lords, this charge contains a system of domestic
mismanagement in the administration of the public treasure,
and in the application of it to the purposes of corruption.

My Lords, the Commons, independently of the general
object of repressing great public iniquity by great public
example, had this principally in their view—to endeavour by
this Article to meet that plea which Mr. Hastings and his
friends, both within these walls and without, have endeav-
oured to set up, as some palliation of those crimes of in-
justice and extortion which have been proved before your
Lordships in the Articles which have preceded this. We
have done it to meet that pretence of overruling necessity
which, I am ready to admit, is almost the only defence that
these crimes were capable of.

Object in
the charge
to meet the
plea of
necessity.

My Lords, we trust, by the Article, we have shown that
that necessity, so far from imperious and domineering, was
the artificial creature of his own extravagance; and that
that profusion which we charge him with was resorted to for
the base and discreditable purposes of corruption—and cor-
ruption merely. **My Lords,** in his government, and in the

The neces-
sity created
by Mr. Hast-
ings' ex-
travagance.

His prin-
ciple of in-

30 MAY 1791.

gratifying himself with persons in power at home, and securing factious adherents abroad.

Reasons for the rejection by the Commons of many of the Articles of charge.

distribution of the public patronage which justly and properly belonged to his station, or in that part of it which he corruptly created and invented, he seems, in the disposition of both, to have had two objects, and to have pursued two purposes uniformly and steadily;—the one, to ingratiate himself with persons in considerable power and authority at home, by providing for their friends and connections in India; the other, to attach to himself a body of determined and factious adherents abroad, that, by involving them in the common cause, through their united exertions and combined influence, he might be enabled to have power and authority enough at home both to secure the continuance of his power and his station, and to give him a reasonable prospect of indemnity for the abuse of it.

My Lords, having premised this, it may be, perhaps, just that, for their own sakes, the Commons should be inclined to justify themselves, inasmuch as they have only brought in proof of this system five articles of accusation. It is true, if we had been so minded, or if a sound discretion could have warranted us in so doing, we should have been able to have adduced in proof before your Lordships, in support of this system of corruption and disobedience which we charge, almost every public act of Mr. Hastings, in so far as it related to the distribution of public patronage or the supply of any article necessary for the public service. But to have gone to that length, you know, would have been impossible. You have already seen the prolixities and difficulties that have attended us, in a matter which involves much account even in this short part of it. But I think that both in your Lordships' judgment and in that of the public, we shall appear to have selected five instances of the utmost magnitude and importance, as specimens and examples of the different forms and varieties into which the corruption of Mr. Hastings had branched and diversified itself, rather than to have shown you all the guilt and all the criminality which, we think, we could have made the result of an examination into the whole of his conduct.

Opium contract granted to Mr. Sullivan.

I will not trouble your Lordships with any more preliminary matter; but shall now proceed to state the evidence upon the opium contract granted to Mr. Sullivan, in the year 1781.

Custom of the service to obtain supplies by contract.

It is necessary that I should observe, first, that it was both directed by those orders which you have heard read, and confirmed by the general established practice of the

service under those orders, that, in all matters of supply for 30 MAY 1791.
 the public service—in all contracts for the provision of any
 article necessary to the public in any branch—it should
 generally be done by contract. The court of Directors, in
 the 36th paragraph of their general instructions, under the Order of the Directors.
 regulating Act of Parliament of 1774, speaking of the
 service being performed by contract, say, “We direct that
 you always put the terms up to public advertisement, and
 accept the lowest proposal, with sufficient security for the
 performance.” To that order, in almost every instance, I
 have to state the disobedience of Mr. Hastings. And I will Orders against private partiality.
 not take this opportunity to remark, that, in the granting
 the remissions of contracts or the creation of agencies, either
 for the provisions of the army or the purchase of any article
 of commerce or manufacture, like opium, orders upon that
 subject were orders simply to guard the interests of the
 Company against private favour and private partiality; and
 that, if it be possible to conceive any order, of any kind,
 which there can be no honest pretence for a Governor
 General to disobey, it is an order of that nature. With
 respect to orders of a political nature, they may pretend some-
 times a change of circumstances—that the state of India
 was not known to their masters at home when the order was
 sent out. But, in a general regulation to guard the Company’s
 interest against the encroachment of private favour, personal
 friendship or corrupt partiality, there could be no change
 of circumstances—there could be no possible circumstances—
 known to Mr. Hastings at the time of executing the order, that
 were not known to the Company at the time of making it;
 and, therefore, that usual plea for disobedience which has been
 often pretended by Mr. Hastings is, in this case, rooted up.

My Lords, this order had been previously disobeyed in a Previous disobedience to the order in the contract given to Mr. Mackenzie.
 contract given to Mr. Mackenzie for the provision of opium.
 The terms of that contract were sent home; and that very
 circumstance of not advertising for proposals was condemned
 by the court of Directors. At the expiration of that con-
 tract, Mr. Hastings granted the same contract, upon the
 same terms, to Mr. Sullivan, for four years, not only without
 advertising for proposals, but without having received any
 upon the subject.

And here I must entreat your Lordships to advert to the Extraordinary circumstances of the grant of the contract to Mr. Sullivan.
 proceedings and the consultations of that time and that
 period, in order that you may see that this contract was
 granted under very extraordinary circumstances — not

irregular parts of this transaction, had lost parts of their profits, and which were obliged to be compensated to them by Mr. Hastings. I will not enter into the detail of that, but come to what we charge to be the great and substantial crime in this Article—the extravagance of the terms, and the circumstances of the time and person to whom they were given. 30 MAY 1791.

My Lords, you have it in evidence that for this contract Mr. Sullivan received 350,000 sicca rupees, or 40,600*l.* sterling. You have it in evidence that Mr. Benn sold the contract to Mr. Young; for which he received four annual payments of 149,000 sicca rupees, which Mr. Benn translated into exactly 60,000*l.*, but which, if calculated upon the same principle with the other, I believe will be found to amount to 69,136*l.* Besides that, Mr. Benn got 7,000*l.* upon one branch of the transaction which he did not sell to Mr. Young. So that, upon the whole, the loss to the Company was 76,000*l.* And it is apparent that these are all complete and indisputable losses; because, had Mr. Hastings obeyed the orders of the Directors, Mr. Young would, undoubtedly, have given as much money to the Government, in an honest, fair, public and open, transaction, as he would have given to the contractor in a transaction which it was the interest of all to keep secret and concealed, and for which he had infinitely less security than he would have had if he had taken it from Government. Extravagant terms of the contract.
Total loss to the Company.

My Lords, there is one striking fact in this part of the case, which it will not become me to overlook, and which I trust your Lordships will advert to, namely, that this contract was sold by Mr. Sullivan to Mr. Benn, and by Mr. Benn to Mr. Young, previous to the possession of it by Mr. Sullivan—previous to the legal possession of it. The promise of Mr. Hastings had, certainly, gone before either Mr. Sullivan's idea of selling, or any rational conception in either of the others to purchase. But this contract had this evident mark of favour and corruption in it, that it was promised in such a manner from Mr. Hastings to Mr. Sullivan as that it could be the object of two sales, previous to the commencement of the contract and to the time of signing it. Successive sales of the contract.

My Lords, I have shown you that upon this contract there was a loss of 76,000*l.* to the Company. Perhaps it may not be amiss to advert to the time when this loss was incurred. Your Lordships will recollect that this loss was incurred some time early in the year 1781; that, if the Period of the loss incurred concurrent with the exactions from Cheyt Sing.

30 MAY 1781. advertisement had been published, it would have been as published that the contract should commence on the 1st of September, 1781; therefore, in 1781, 76,000*l* was sacrificed by Mr. Hastings in order to do Mr. Sullivan a favour—in order to create a job for Mr. Sullivan. In the year 1781, Mr. Hastings thought it worth his while to make a progress to Benares, to punish the Raja of that province for having been dilatory in his payment of an extorted subsidy of 50,000*l*. My Lords, you have it in evidence that, at the moment the necessities of the Company were so urgent that they could not wait a month or two for the payment of an unjust demand from a prince whom they were oppressing, Mr. Hastings still thought the Company's treasury was so well supplied as to enable him to sacrifice 76,000*l*. of their money, in order to make the fortune of a friend and favourite.

Improbability of execution of the contract by Mr. Sullivan.

My Lords, much examination has been had upon whether Mr. Hastings was privy to these sales or not. I know not, and, I will add, I care not much, whether he was or not; but of this I am sure, that he could not have entertained an opinion that Mr. Sullivan was likely to execute the contract, first, because Mr. Sullivan was not long from England; he had been, till within a very short part of the time, secretary to Madras, which office he had then, I believe, hardly resigned; I rather believe he had not resigned it at all. He was at that time Judge Advocate of Bengal. Not only that, but, about the same time, Mr. Hastings demanded his aid as his assistant in the cares and toils of his empire. At that time he had told the Council that he could not alone manage the multiplicity of his business, and, therefore, he took Mr. Sullivan to assist him. Mr. Sullivan, almost at the time of the commencement of the contract, and in the very first stages of its performance, was with Mr. Hastings at Benares. I do not dwell upon the skill, I do not dwell upon the industry, I do not dwell upon the previous investigation that is necessary for understanding this manufacture; but it was impossible, from the circumstance of Mr. Sullivan's being within that [province], Mr. Hastings could have thought that he was likely to execute the contract.

Motive for the grant to Mr. Sullivan. Relationship to the Chairman of the Company.

Now, having stated this to your Lordships, it may become us a little to consider who Mr. Sullivan was, and what was the motive for the appointment. Mr. Sullivan was son to the person who was, at that time, Chairman of the East India Company. The Chairman of the East India Company, and the court of Directors, in those days, were to Mr.

Hastings as everything. It was from them that he was 30 MAY 1791. to fear censure or punishment. It was to them that he was to owe his continuance in his situation. It was to their protection that he was to look for the enjoyment of his office, and for all the honest and dishonest profits that he might make by it. It was to them that his ambition was to look for its gratification. It was to them that his avarice was to look for the means of securing its prey. It was to them he was to look for support; and they were almost the only persons in this country to whom he could think it necessary ever essentially to show his gratitude. And we know that Mr. Hastings' power in that body was once strong enough to defy the order and the opinion of the House of Commons.*

My Lords, it is a melancholy consideration for us to look back to those times, and see the first officer of the Company at home and the first officer of the Company abroad corruptly colluding for their own private benefit, by a joint and common sacrifice of those interests of the Company which it was the duty of both to have protected and watched over; to see one betray the trust of inspecting and controlling the conduct of the other, and Mr. Hastings rewarding him for that treachery by giving him a participation in that spoil which Mr. Hastings was at that time exacting for himself.

My Lords, we may perhaps think it was extraordinary that Mr. Hastings was not satisfied with all the offices and all the benefits which he, about that time, had been heaping upon Mr. Sullivan, in India; but, when we consider the temper of mind and disposition in which Hastings seems to have been, at that moment—when we recollect that, about the time of this grant, Mr. Hastings was indulging that wild and frantic dream of empire, at Benares, where he treats the kings of India as tributary vassals, and talks of himself as an emperor over them, we shall not be much surprised, perhaps, that, considering who Mr. Sullivan was and how educated, Mr. Hastings might wish to count him as a friend; might fear him as a rival and look forward to him as a successor; that, under any or all of these views, he should have been disposed, as it were, to invest him with the purple, and to associate him with himself on the throne; and that, in so doing, it was natural and just enough that he should give him some share of the plunder of these devoted provinces which he was assisting to govern; and, when Mr. Hastings

Collusion of Mr. Hastings and Mr. Sullivan.

Mr. Hastings' motives for desiring the friendship of Mr. Sullivan.

* See the Introduction to the present publication; p. xxxiii.

arrived. Is insurance no part of the expense of a merchant, ^{30 MAY 1791:} and the loss, by sea or by an enemy, no part of his risk? And if he insures himself, should not he abide by the consequence of it? But the difference is not there. According to the old and usual mode of doing the business, the opium was sold to and paid for by the merchants at Calcutta. If they had sold it to a private merchant, they would have been paid for it at Calcutta, and the risk would have been run, or the insurance would have been paid by the merchant. Therefore I have a right to compare what they did receive, according to their own absurd, new-invented, scheme, with the price which they would have received from the merchant at Calcutta, had they sold it in the usual and established mode.

But, my Lords, it is not only for the purpose of showing your Lordships that this was an improvident and an ill-concerted scheme that I state it; but as a scheme calculated and contrived, not merely as a mercantile adventure or a project in the way of trade, but an invention for remitting the fortunes of the servants of the India Company. ^{Motive for the transaction to find means for effecting remittances to Europe by servants of the Company.} It was a scheme to contrive a mode of remittance of their ill-acquired wealth to Europe, which they could do in scarce any other manner. And therefore it is, that you see Mr. Hastings writing from Benares, to desire that certain persons, then with him, might have a share in the loan; which loan was, as we have seen in other instances, opened much more for the purpose of their remitting their fortunes than for the purpose of any supply to the Company: and you find all those persons that were with Mr. Hastings—those who were dividing the spoil of Bidjey Gurh, were by these means enabled to find a channel for the remittance of that plunder, which they had gotten against law and even against Mr. Hastings, to this country. That was one of the reasons of this transaction. And it is singular to observe that one cannot trace any one single instance of trade, any project, or any adventure in the management of the concerns of the Company, as far as went to the management of their money, that was not tinctured with private favour, and some motive and principle of corruption. Even in the conduct of this smuggling business, a great deal of loss arose from the private jobs and the private confidence that was put in some of the persons who conducted it, who sacrificed the interest of the Company to their own, and made their fortune while the Company were losing. I do not mean to trouble your Lordships any more upon this

Mr. Hastings—did enter into a contract for 6,700 bullocks. Had the contract for 1777 been suffered to continue in force, and had the number Sir Eyre Coote thought necessary for the whole army been provided upon the terms of that contract, from the 1st of September, 1779, to the 1st of March, 1784, as long as the old contract continued in force, for the whole term of the old contract the expense would have been 97,000*l.*; whereas, under the new contract, the expense for providing bullocks in that time was 340,000*l.*

30 MAY 1791.

Loss on the new contract.

Now there is another way of stating this. If **Mr. Hastings** had even thought the whole amount of the 6,700 [bullocks], contracted for in the new contract, necessary, the difference which he created in the alteration of the rates alone would have amounted to 44,000*l.* a year. The difference as it actually was, by providing for an unnecessary number, and that at an extravagant rate, amounts to 60,000*l.* a year.

The Council, in examining this matter, have stated that there are many new provisions pregnant with care and circumspection for the Company. In order to judge of the qualities and character of the father, I should like a little to look at the nature of the offspring. These new provisions, if I recollect them correctly, were, in the first place, an allowance to **Mr. Croftes** of 600*l.* a year, I believe, for providing carriages, for training, and a great many other allowances to the contractor—all of benefit to the contractor, little or nothing of regulation for the benefit of the Company. And, independent of that, **Mr. Johnson's** contract was liable to have any number of bullocks reduced, upon one month's notice from the commanding officer. In the contract of **Mr. Croftes**, the Company could not reduce one bullock within less than two years; and, in order to dismiss at the end of two years, they must have given six months' previous notice. Your Lordships may judge whether this is for the benefit of the Company or the benefit of the contractor. But, independent of that, **Mr. Hastings**, not content with having secured to the contractor the benefit of this contract for the certain term of five years, knowing too that there was a prospect of a considerable reduction being ordered by the Company—for he must have known that the Directors would order a reduction of that number which, upon their own minutes, **Sir Eyre Coote** had judged to be unnecessary, and which afterwards did happen—**Mr. Hastings**

Pretended provisions in the contract for advantage to the Company.

No power of reducing number of bullocks contracted for within two years.

Compensation secured to contractor for loss in reduction of number.

a subsidy of five lacs of rupees, or, according to the best calculation of that species of rupee, 55,500*l.* sterling—and that this was not ultimately realised till late in October, 1778. In October, 1778, he realised this money, and was secure of a fund. In the July following, having previously and in the intermediate time prepared the draught of this contract, he proposed to the old contractor to abandon his old engagement and accept a new one; by which new contract a loss of 50,000*l.* was created to the Company.

The subsidy exacted from Cheyt Sing—against all treaty—against all law—against all engagements of public faith and private honour—that subsidy, amounting to 55,000*l.*, was at once absorbed and swallowed up in this extravagant contract: or, if you were even to suppose that number of bullocks necessary, that subsidy would have been nearly swallowed up by the 46,000*l.* increased upon the rates—only allowing 6,700*l.* to have been necessary—which was given by Mr. Hastings, above what he thought a year and a half before, and has declared since he came home, to have been a reasonable compensation and profit to the contractor. And how was the subsidy justified? Your Lordships will recollect that it was the urgent poverty and distress of the Company, an exhausted treasury, a depreciated credit, a foreign war; all these were his pretended motives, while we find his real motive to have been to establish a fund which he could give—not divided among many, but united, whole, entire and complete—into the pocket of Mr. Croftes.

The subsidy exceeded by the loss on the contract.

Justification of the subsidy by distress of the Company.

My Lords, when I see a Governor General breaking the public treaties which he has himself given his sanction to—when I see him not keeping even the conditions of a bribe which he has received at that time—when I see him doing this for the purpose of granting all that he can get by extortion into the pocket of one favourite individual, I am apt to think, and I believe your Lordships will be apt to think, he did not do so without something more of personal interest than necessarily appears upon the face of the transaction.

Personal motives.

But your Lordships are to consider, in listening to Mr. Hastings' defence, what created the necessity and how the necessity was supplied. You see him extorting unjust subsidies from the tributary princes of the country, in order to create extravagant, corrupt and enormous, allowances to the servants of the Company; which whether he participated in or not, we cannot tell; but, whether he did or not, his neglect

30 MAY 1791. of the interests of the Company and his own corrupt conduct and mismanagement of their treasury is equally apparent.

Reduction of the contract ordered by the Directors.

The orders of the Company came for reducing this contract to the number Sir Eyre Coote thought necessary. That was disobeyed, and the whole number remained for three [years] and eight months. They were then reduced, and the number reduced continued so for ten months longer; the total expense of which has been already stated to your Lordships at 340,000*l.*, from which, if we deduct what the expense ought to have been for the number judged necessary by Sir Eyre Coote, it would have left a balance of 243,000*l.* entire loss to the Company.

Term for notice of termination of contract suffered to elapse.

This contract left an option to Mr. Croftes, that it was to continue six years unless notice was given that it was to expire at the time contracted for, namely, at the end of five years. Mr. Hastings accidentally, as he tells us, suffered that term to elapse, having not long before reduced the number of bullocks, so that his attention was, necessarily, called to the subject. He suffered that period to elapse, which had scarcely gone by before he thought it necessary to repurchase that advantage which by his negligence the contractor had gained—to purchase a relinquishment of his contract. That bargain was concluded. The contractor got 6,000*l.* for relinquishing the advantage he had then got, and, besides that, was paid a very extravagant price for his stock; and this contract was converted into an agency for the benefit of another favourite individual. Upon that agency seventeen and a half *per cent.* was given, as a profit to the agent.

Purchase of the relinquishment of the contract.

Agency established.

Loss on the contractor's stock.

Upon an examination of the whole of that transaction, though I am unwilling, having trespassed so much upon your Lordships' time, to go much at length into it, you will find the allowance intolerably extravagant, and the expense in the agency nearly equal to what had been the expense of the contract. As a pure loss I take only 10,900*l.*, being the difference between the price which they paid the contractor for his stock, at that time, and that at which they afterwards sold the same stock to another contractor, when their interest or their favour led them to adopt another mode of carrying on the same principle and object of corruption. The total loss upon this article of the bullocks, in that view of it, amounts to 261,000*l.*

Total loss on the bullock contract.

Opinion of Mr. Hastings against

It has been suggested to me that I had almost forgot to put your Lordships in mind that, since Mr. Hastings re-

turned to Europe, he has been of opinion that the mode of conducting the army business by contract is the most ruinous, the most extravagant, the most destructive of the Company's interest, that could possibly be adopted. My Lords, when he has no longer an opportunity of distributing the patronage, he is very generous in his advice to those who may benefit by it. But the same contradiction, the same objections to the mode of conducting by agency, he has often stated. He has stated, justly and truly, that giving an agent a large commission upon his expenses is creating in him an interest directly hostile to that of his employers, and encouraging him to raise the amount of his expense that he may thereby raise the value of his own allowance.

30 MAY 1791.
army contracts.

My Lords, I come now to another branch of this Article totally separate and distinct;—and it is with a considerable degree of pain and regret that I feel myself addressing your Lordships upon this head. I am now to state to your Lordships that, when General Clavering went to India, the allowance was fixed by the court of Directors, under an Act of Parliament, at 6,000*l.* a year the salary, added to 10,000*l.* a year the allowance as Councillor; that this was given, specially, in lieu of all travelling charges and expenses whatever. General Clavering, whose memory in this transaction we can never mention but to honour and to admire—General Clavering, with that rigid virtue which distinguished him, adhered to that allowance of the Company. He was contented with the salary—ample it was indeed—that the law and his masters allowed him. Sir Eyre Coote landed some day on March 1779; and, very soon after he had taken his seat at the Board, he proposed, in a minute which your Lordships have had before you, that certain large allowances,—five and a half *per cent.* share of commission on the revenue, and other large allowances, should devolve upon himself. The Council meeting that proposal with the reprobation which was due to it, and showing him the orders of the Directors, which he brought out in his hand, that he should have the same allowances with General Clavering and none other, Mr. Hastings said, “No! that allowance you cannot have. That is diverted into another channel; another man has that extraordinary indulgence; another man has that corrupt allowance. We will do otherwise for you.”

Allowance of
Commander-
in-Chief
fixed in the
case of Gen.
Clavering.

Increased
allowances
in favour of
Sir Eyre
Coote.

Mr. Hastings then proposes an establishment for Sir Eyre Coote, which I will not trouble your Lordships with

Proposal of
Mr. Hast-
ings to allow

Mr. Hastings, on the 20th of November, at Calcutta, having ordered this to be charged on the Nawab, on the 19th of November, the Nawab writes from Oude, setting forth—

“That the expence occasioned by the troops in brigade and others commanded by European officers has much distressed the support of my household, insomuch that the allowance made to the seraglio and children of the deceased Nabob has been reduced to one fourth part of what it was, upon which they have subsisted [in a very distressed manner for these two years past. The attendants, writers, servants, &c. of my court have received no pay for these two years; and there is at present no part of the country that can be allotted to the payment of my father’s private creditors, whose applications are daily pressing upon me. All these difficulties I have for these three years] struggled through, and find this consolation therein, that it was complying with the pleasure of the Honorable Company; and, in the hope that the Supreme Council would make enquiry from impartial persons into my distressed situation, I am now forced to a representation.”*

His complaint of distress.

This letter, stating his distress, regretting that they have not inquired into [his situation], stating the distress arising from the pleasure of the Governor and their taxes upon him—this letter he writes the day before Mr. Hastings affixes an additional demand of 20,000*l.* a year upon him—by his assent! Is it possible that that can be a plea urged before your Lordships? Is it possible that you can believe, with all the picture of the distress of the Nawab’s family which you have before you in other evidence, with this striking and strong representation of his own misery which I have this moment read to you—can you believe that it was with his voluntary assent that Mr. Hastings charged upon him this additional subsidy for the commander-in-chief?

My Lords, this additional subsidy for the commander-in-chief not only continued while the pretext for it continued, namely, Sir Eyre Coote’s residence in Oude, but it was protracted from that time till his death; and continued after he had returned across the Kurumnasa into the provinces. Not only that, but, while he was serving and engaged in the command of an army on the coast of Coromandel—through all this extorted, unjust and illegal, allowance continued to be charged to the Wazir’s account. The proof we have of it is, that, when Mr. Hastings had it imputed to him in the House of Commons that this so continued to be charged by his authority, he first doubted; he then has a faint recollection; and, when he looks at the letter which Mr. Croftes

Continuance of the charge after the withdrawal of Sir Eyre Coote from Oude.

Authority for making the demand given by Mr. Hastings to Mr. Croftes.

20 MAY 1794. wrote, saying he wrote by his command, he says—"I have no doubt that I gave Mr. Croftes authority to write."

Mr. Croftes
in the confi-
dence of
Mr. Hast-
ings and Sir
Eyre Coote.

Corrupt
collusion.

Presump-
tion of secret
advantages
to Mr. Hast-
ings from
the allow-
ances.

Injury to
the Com-
pany from
extortions
from the
Wazir.

My Lords, if Mr. Hastings, reading Mr. Croftes letter, knowing the use that was to be made of it, because that use was charged against him—if Mr. Hastings, with his eyes open, and seeing this set forth as the evidence of his authority to extort this money from the Wazir, will tell us—"I have no doubt of giving Mr. Croftes authority to write," shall we doubt that he gave Mr. Croftes authority to write? Shall we doubt, when he goes on to justify, in the residue of his Defence, this abominable transaction, in a manner which, I am sure, your Lordships will read with pain, and to which I am unwilling to advert? We cannot entertain, upon Mr. Hastings' own confession, the smallest doubt of this transaction. And it carries with it one other pregnant fact, which your Lordships will observe, namely, how much Mr. Croftes was in the confidence of Sir Eyre Coote and Mr. Hastings. It carries with it that Mr. Hastings here avows his authority to Mr. Croftes—his authority, in a transaction which he knew to be criminal—a transaction which he knew to involve a breach of public faith—a transaction which he knew to involve in it injustice and extortion. If Mr. Croftes was his confidant in such a corrupt transaction, look back to what Mr. Croftes was—the bullock contractor also. Mr. Croftes, upon Mr. Hastings' own showing, had 46,000*l.* a year, clear profit, while the Company lost 60,000*l.* If Mr. Croftes was confided in by Mr. Hastings to order this extorted subsidy from the Wazir, and for Sir Eyre Coote to receive it, can we have any doubt of a corrupt connivance and collusion between those three persons, in all those other transactions to which they were privy and were necessary parties?

Does it not induce a suspicion that Mr. Hastings had, himself, some hidden benefit or some secret advantage from the enormous and unexampled allowances I have stated to your Lordships on the bullock contract? It does give us, at least, a strong ground of suspicion and presumption against Mr. Hastings, which, except he can meet and destroy it, must naturally and necessarily weigh upon your Lordships' minds in your judgment.

I ought to observe to your Lordships that everything that was extorted from the Wazir of Oude was, as it were, lost to the Company; for the consequence of that was continual arrear to the troops, continual arrear in the payment of the

subsidy to the Company. It was a country, in fact, governed by Mr. Hastings, under the name and under the pretence of the Wazir's authority. 30 MAY 1791.

The amount of this allowance to Sir Eyre Coote—taking Amount received by Sir Eyre Coote. at the rate I have stated, of 1,800*l.* a month—was 12,628*l.* during the time it was charged upon the Company, and 70,000*l.* during the time it was charged upon the Wazir.

I must take the liberty, before I proceed to the next article, to desire your Lordships to examine the nature of this transaction; to look how big with fatal consequences to the government and to the interests of the Company; to look at the nature and extent of this corruption. Corruption infused into the whole service from these transactions. When we see the Council itself infected in this manner—when we see the Governor General bribing the Commander in Chief to support his ambitious or his avaricious schemes—when we see the mischief seated in the Council itself and originating there—can we wonder that the poison is diffused through the whole system? Can we wonder that the whole mass should be corrupted? Can we wonder that every vital principle of true government should perish and be dissolved? Your Lordships will see that this example was breaking down all the barriers of public virtue; it was confounding ranks and distinctions. The necessary consequence of it was, to destroy all subordination and all authority; because, with such an example before them, who was there in the settlement that would not prey, according to his means and his power, upon those things that were next to him? Who was there that would be restrained by fear of punishment, shame, or anything but his own conscience and his own innate virtue?—slender securities, my Lords, when they stand by themselves, and when every support to them is taken away and removed. Who is there that would scruple to have either defrauded the Company or extorted from their subjects? Nor is this speculation only, though it would be a just speculation, and though it would be a consequence as necessary from this cause as any that we can state. We have the effect to make it good.

Whenever any servant is accused of peculation—when any corruption is imputed to him—what do we see? We do not see humiliation and punishment; we do not see submission to authority and promise of amendment; we do not see any example either to repress the corruption of the individual or to reform others by his punishment; but we see another charge against the Governor. We see charge Recrimination of servants of the Company charged with corruption.

not say that the court of Directors were not very often easily satisfied with a false and illusive execution of their just and necessary orders; but their corruption through the means of Indian influence is no justification of the servant who corrupted them.

My Lords, I now come to the third and great head of this Article, namely, to the corrupt and expensive agencies. I hope I shall not alarm your Lordships by saying—"a third great head of this Article;" for, I flatter myself, I shall be able to be much shorter upon this than upon the others. It appears from the evidence that, in consequence of the distress from want of provisions on the coast, Mr. Auriol made an application to the Board upon the 7th of December, 1780, to offer to supply rice and other provisions upon a contract. The terms of that contract are stated in his proposal, in the evidence before you. That offer was rejected, at the same time that his proposal to do the same thing by the mode of agency was accepted and adopted.

Corrupt agencies.

Mr. Auriol's offer, to supply provisions on contract, rejected.

Mr. Hastings appointed him agent, with a commission of fifteen per cent. Mr. Auriol was secretary to the Council Board at that time. I mention this, only, that your Lordships may know exactly the character and the situation of the person on whom the favour was conferred. Mr. Auriol proceeds in the execution of this commission; and is first met and stopped, in some degree, by a representation from Bombay that the extravagant price at which the rice was delivered to them was such as charged them with a debt both intolerable and unnecessary. And, if you compare the price which that letter from Bombay states either with the contract which Mr. Auriol proposed and which the Council rejected, or with the contract which they afterwards adopted upon the dissolution of Mr. Auriol's agency, and which contract, as the learned gentlemen said, did not differ very materially from Mr. Auriol's, you will find that the loss, even in that view of it, was infinite and extravagant. But Mr. Hastings was not contented with appointing Mr. Auriol agent in the provinces that wanted rice, but he appointed him agent for every other Presidency, and all the other provinces included in them; that by so including them his benefit might be augmented.

His appointment as agent.

His position as Secretary to the Council.

Complaint of the price of the rice supplied to Bombay.

I have called to your Lordships' bar a gentleman whose situation in India led him to be perfectly conversant with this subject, whose extensive dealings in commerce, and whose character and reputation in those dealings, will intitle

Extravagant commission allowed to Mr. Auriol.

ships, had the Counsel on the other side persevered in objection which they took on Friday for the purpose lay.* 30 MAY 1791.

My Lords, there is one other striking and singular circumstance in this agency which marks it out more particularly our Lordships' attention, which is, that it introduces a system and principle of account. My Lords, the agent on this subject was to account to the Company, not by producing his vouchers—not by showing what he actually paid for the purchases, or what charges had incidentally been made therein—but he was to account to the Company upon honour. How this could creep into the conduct of the affairs of a great mercantile company I know not. I do think it equally absurd in the conduct of the public affairs of a great sovereign. But, for whatever purpose it was introduced, or by whatever means adopted, Mr. Auriol took this singular advantage in the conduct of this business, he was to account upon honour. My Lords, I hardly know in what manner to state this to you. I hardly know how to state a proposition, in itself at once so absurd and so dangerous. It could be introduced only for the purpose of fraud and deception. How would one receive a proposal from any man, who was to account either to the public or to an individual, when he was to come to him—"there are my accounts; here are my vouchers; but my privilege is to rely on my vouchers, and you shall have my honour for their substitute,"—any more than you would have received a man in proposing to deal with you in any business, should he say—"I will do it for you, and charge my commission upon my expenses; but remember, I ask and contract for it, as an arrangement, that I shall not give my vouchers of my expenses but shall give the proof of my accounts; but you shall have my honour for it as a substitute?" In that case, I fear we should think that his honour there was to be a substitute for honesty.

Introduction of new principle of account.

The agent to account upon honour.

Introduced for the purpose of fraud.

The allusion in the speech is explained by the following entry in the notes of the Evidence, under the date of Friday, the 27th of May, 1791, 11:—"The Managers for the Commons informed the House they should produce the evidence on this Article by again calling Mr. Wright, the Assistant General to the India Company, to give in evidence the totals of respective losses to the Company upon the several articles of the accounts, and they appear on the books of the Company, under the different subjects mentioned in the Article of charge. The Counsel for the defendant objected that account of these losses could not be taken from the inferences of the Assistant General, but must be proved to the House by producing the books and papers containing the respective accounts."

of Friday, in which he states that he continued to 30 MAY 1791.
not fifteen, but twenty-five *per cent.* upon all pur-
and five *per cent.* upon freights, after the reduction.
t know how to account for this ; because that evidence,
tedly, came out stronger than I expected, and, when
d for fifteen, I was as much surprised to find the
of twenty-five as the learned gentleman.

Mr. Auriol says he will continue to supply the Com- Condition of
gratuitously. But what is the condition that he annexes accounting
gratuitous offer? He annexes the original condition upon honour
unting upon honour. Now, when I see a man who annexed to
n justifying a commission of fifteen *per cent.*—three the offer of
he usual commission given to merchants, and charged acting gra-
ings upon which merchants never thought of charging tuitously.
en I see him justifying this as but a proper compens-
or his trouble and expense—when I see him, all at
abandon the commission, and say—“I have made
of this commission. Do let me continue to supply
tuitously,”—that he adds a condition to account upon
; adding too—“or such other obligation as you
oose to impose”—but he knew too well with whom
dealing to fear any other obligation than that of
ting upon honour ;—that he says—“Let me account
onour, and I will supply you for nothing ;”—as well
ht ; because we know when a man shall destroy his
rs, and account upon his own assertion, his profit is
own hands ;—then that very circumstance of the offer
uitous supply induces a strong suspicion of the justice
th of his former accounts.

Accountant General himself, Mr. Larkins, of whose Audit of the
of whose qualities and whose character, you have had account by
nt proof before you—Mr. Larkins seems to ridicule Mr. Larkins.
nsaction. He states, in the grave and formal style of
when he is passing an audit of this gentleman’s ac-
—“I have cast up the additions ; I have calculated
culations ; I find them right. I have passed the
t, because the agent is upon honour.” My Lords, one
think that was done almost for the purpose of expos-
e transaction, and exciting the condemnation and
nent of the court of Directors.

ve already stated to your Lordships the loss upon this Aggravation
tion, and I will only take this opportunity to observe of the extra-
is no inconsiderable aggravation of the extravagance vance
his article that it was for the supply of a province from exist-
ence of
famine in
the province.

consideration of his allowances, to supply those of the
 missions that wasted or corrupted. It was rather more of
 attract than an agency, properly speaking. He was to
 a certain allowance, to enable him to keep up, at all
 times, a constant and even supply of good provisions, taking
 the bad and substituting good for them at his own
 use, in consideration of the allowance. This was stated
 free merchants, for their opinion, from the Council. The
 merchants' answer was, that for wastage, decay, &c., and
 change of stores, twelve *per cent.* was sufficient; as com-
 pensation for his trouble, five *per cent.*—here again, I have
 their testimony to the fact I advanced in the last article—
 servants and expenses, three *per cent.*; making in all
 twenty *per cent. per annum* to be charged upon the prime
 of the stores in that garrison.

30 MAY 1791.

Their recom-
 mendation
 of 20 *per*
cent. com-
 mission.

his answer from the merchants, of whom Mr. Croftes was
 who was not likely to be very hostile to Mr. Hastings
 and or very adverse to his wishes—yet even he, in
 capacity as a merchant, could not but subscribe
 to the opinions of the other two—Mr. Hastings no sooner
 sees, but he proposes thirty *per cent.*, instead of
 twenty, for the agent. If I was to rest this accusation
 on that, having agreed to take the opinion of proper
 persons, and received in answer that twenty *per cent.* would
 be proper allowance, and at which they would undertake
 Mr. Hastings immediately, in the face of that esti-
 mate, raises the allowance to thirty *per cent.*, I should
 think this is evidence, of itself, both of extravagance and
 capriciousness.

Thirty *per*
cent. recom-
 mended by
 Mr. Hast-
 ings.

Now, my Lords, I have, independent of that, some few
 circumstances to induce your Lordships to agree with
 me in that. I do not go into the calculation, which General
 Verelstam's minute sets forth, of the other profits he might
 make in the article; I do not enter into these calculations,
 because, possibly, they may have been taken into the
 merchants' estimate. But I will just stop for a moment to
 request your Lordships to read with attention—I need not
 say I am sure, with diligence—these minutes in Council,
 and these different transactions, upon which I have had the
 honour to address your Lordships to-day; for in them you
 will find, not only the best and the ablest arguments—
 infinitely superior to any that my poor abilities can furnish
 forth, to offer to your Lordships—but you will find in
 the greatest spirit of integrity and obedience to the

Minutes in
 Council in
 opposition
 to Mr. Hast-
 ings.

rne by the allowances of nine months. Upon that 30 MAY 1791
 our Lordships will be able to form some opinion of
 mt and extravagance of the transaction.

he states, in another part of this account, what has Profit on the
 s actual expense by the changing of these stores; proposed
 ; has lost by selling the bad stores and substituting commission
 es. Upon that account, in the course of two years for waste
 s months, his loss is 4,000*l*. The whole loss upon stores.
 ness of the transaction, upon wastage, decay, and
 of bad stores for good of equal quantities, was 4,000*l*.
 s own showing. Now, had he received the allowance
 g to the proposal of the merchants—they had
 twelve *per cent. per annum* upon his purchases—
 l the amount of twelve *per cent. per annum* upon the
 purchases, would have been 10,700*l*. Upon their own
 ; the actual loss incurred in the change of stores was
 and, if he had taken the merchants' allowance of
per cent., of which twelve was appropriated to
 icle, he would, upon that one article alone, which
 stings states to be the difficult and heavy article of
 icy, he would upon that alone, in two years nine
 have made 6,700*l*. net profit. I state this, both to
 he merchants' estimate, and to show your Lordships
 en you compare that with the detail of the minutes,
 the arguments Mr. Hastings uses in justification of
 usaction, you may see to what trivial, what unworthy,
 s and subterfuges they are driven, to justify this
 f extravagance and corruption.

ords, I have only to observe to you that, this agency Proposal of
 ontinued for a certain time, Mr. Hastings proposed Mr. Hastings
 rt it into a contract at the same terms. This to the to convert
 y was undoubtedly indifferent, as far as their expense the agency
 out to the contractor how different was it! Because into a con-
 stings converted it into a contract, not by adver- tract.
 r proposals to have it done as cheaply as possible, The same
 the same terms, and secured the benefit to the terms
 or for five years to come! This was converted to secured to
 ct upon the same day that the bullock contract was the con-
 The memorable 9th of August, 1779, saw both tractor for
 ack transactions. It was converted into a contract five years.

circumstances, too, of peculiar suspicion—namely, Expectation
 out that time, the Parliamentary government of of loss of his
 f which Mr. Hastings was the head, was about to be office.
 l. Mr. Hastings knew nothing of the continuance

Translate that, it is—"When I see honest and able men ^{30 MAY 1791.} unite to oppose every corrupt transaction which I am doing for the benefit of a favourite individual,"—

"I cannot hesitate a moment to declare it to be my firm belief that, should the government of this country be placed in the hands of the present minority, they would seek the ruin of every man connected with me; it is, therefore, only an act of common justice in me to wish to secure them as far as I legally can from the act of future oppression."*

"To ruin every man connected with him"—if he calls it ruin—it would have been their duty to have overset these corrupt and extravagant allowances; it would have been their duty to have endeavoured to defeat those unreasonable and intolerable contracts. To the agency they would have put an end; that he knew; because an agency must be in terms and nature indefinite: but to a contract he knew his friend would have the security of law on his side, and he knew that, under the Government which he thought was to succeed to him, the law would have its due weight and full effect.

Mr. Hastings' suspicion that his adherents would be persecuted by his opponents in the Council.

Under these circumstances, he converted this agency of Mr. Croftes into a contract. Under these circumstances, he treated the agency of Mr. Belli into a contract for five years. Under these circumstances, at the same time, he created the Mallock contract for five years, having previously dissolved the old one, which existed upon moderate terms. Under these circumstances and with this view—though at a later period, because the continuance of the government was suspended only from year to year, for the two years following, both in 1780 and 1781—he may have had the same motive for the length of time which he gave the opium contract, and for other things of the like nature. But your Lordships see him here determining to adopt and act the part of the faithless steward in the Gospel. He is there collecting those who were to account with the Company. He says—"Take any allowance you please, only let me secure it for a long term of enjoyment to you." He might, perhaps, rely upon their ability and their gratitude, but, when he had returned to England, some part of those favours and those profits which he had thus secured to them might, possibly, ultimately revert to himself.

Compared to the faithless steward.

* Extract of a Consultation of the 4th October, 1779.—Printed in the Minutes of the Evidence," p. 1447.

allock contract, formed and created at the time when 30 MAY 1791.
 Hastings thought he was about to leave India, and he
 either leave his successor the difficulty of providing
 a extravagant contract, without any means of provision
 same, or the odious necessity of justifying Mr. Hast-
 ings by continuing an unjust and extorted subsidy
 to the Raja of Benares.

We collected these sums, and stated them on that point
 in comparison in which I peculiarly wish your Lordships to
 consider them, because it is essential, both to our cause and to
 the use of public virtue and justice, that a man shall not
 himself of a false pretence of public necessity to justify
 acts of tyranny and oppression, when, not only has he
 been the author of that necessity, been the cause of
 it, but, by his own corrupt and extravagant management,
 that expense has been wholly and totally diverted to
 uses of corruption merely.

False pre-
tence of
public ne-
cessity to
justify
tyranny.

Commons have now shown to your Lordships, through
 different Articles of this accusation, the complete picture
 of Hastings' government. But it was not till we had
 the opportunity of giving you the evidence upon this Article,
 we could state the piece to be at all finished. It was
 not now that the principal and striking figures assumed
 their proper colour, stood in their proper place, or appeared
 in just proportions. It is now, my Lords, that the
 members think they have made out for you a whole. It
 is therefore, in this present moment that they feel full
 licence they have shown you the greater portion, if not
 the crimes which they have imputed to Mr. Hastings ;
 as they have determined rather to seek the end of sub-
 stantial and speedy justice—to look to the redress of wrongs
 to obtaining that great example which may possibly
 induce some reformation in India ; they have determined,
 not that, not to incur the hazard of losing their ends by
 being over curious and over anxious to provide the means

Omission of
some of the
Articles of
charge.

my Lords, we have brought before you, in the two first
 Articles, marks enough of the injustice, of the public want
 of, of the oppression, of the tyranny, of Mr. Hast-

Proofs esta-
blished of
tyranny and
corruption.

In the two Articles which were offered in the two
 years, we have given you the proofs of Mr. Hastings'
 moral corruption ; we have given you the proofs
 of money which he has taken for himself ; we have
 shown your Lordships that, amidst most of these acts of
 violence and power, his own rapacity was the stimulating

culty of this prosecution; that we have not shrunk ^{30 MAY 1791.}
re obloquy that has attended it. We shall have
ourselves vigilant asserters of their interests. For
terest they are to repress public speculation and public
on. My Lords, it is no less their interest to watch
I protect those distant provinces, who have no other
on but the vigour, the spirit, the energies and the
of the people of England. My Lords, we shall have
r part, in bringing this prosecution; and I have no
hat your Lordships will do your part. You will
the admiration and respect—you will confirm the
on and submission—which all persons in this
must feel for your Lordships' tribunal. It is with
r Lords, now to discharge your duty in judging upon
e with as much zeal, as much diligence, as we have
in the prosecution of it; and, with the fullest con-
we rely upon the justice and propriety of your
pe' sentence. It is with this, my Lords, the Commons
eir charge.

thankful for your allowance of this one day in addition 2 JUNE 1791. to the present session. I hope in such a manner to avail myself of it as to compensate to your Lordships, no less than to myself, for the trouble of this short attendance; and to induce your Lordships to put an end speedily and for ever to my long and unexampled prosecution.

It was not my intention, had your Lordships complied with the prayer of my petition, to bring a laboured defence before you, applied to every allegation in the Articles of the prosecution; neither could I hope that your Lordships would endure the time which would be required for it. Nor could I, if I would, produce all the evidence which would be necessary for such a mode of defence. Of thirty-four gentlemen who composed the list of witnesses, whom I had originally selected for examination to the different and successive allegations of the charge, some are dead, some returned to their service in India, others, after an annual but fruitless and disheartening attendance, dispersed in unknown parts of these kingdoms, or, for aught that I can tell, in the remoter regions of Europe. Those whose attendance I could engage are very few in number—chiefly gentlemen connected with me by the habits of familiar intercourse; and their testimony, for that reason, liable to be depreciated by the licence which the Managers have assumed with the characters of those, even of their own witnesses, whose evidence has not answered their expectation of it. These, though competent to speak in my behalf in matters of comparatively less importance, may be unacquainted with the greater points in my defence. My evidence, however selected, could not be so complete as it might have been, upon some points, because those from whom stronger testimony might have been delivered are no longer within my reach.

Impossibility of presenting full defence to all the articles of charge.

Dispersion of witnesses.

In such circumstances, would your Lordships admit it as an excuse for insufficient evidence that I should have had better to produce had my trial been brought within the compass of a reasonable time from its commencement? Would it have been permitted to me, for instance, to produce the minutes taken by my Counsel and solicitor, though attested by them upon oath, of the examination of the late Lieutenant Colonel Eaton to a series of acts committed under his immediate notice, and all proving incontestibly the disaffection of Cheyt Sing, and a determinate plan to erect his independence on our external and growing difficulties? Yet I have no

Disadvantages to his defence from protraction of the prosecution.

I deem it just to my Counsel to declare that, although in 2 JUNE 1791. all matters of a legal nature I should rely most implicitly upon their advice, and although I have no less reliance upon their personal zeal and attachment than on their professional talents, yet in this instance I have followed the impulse of my own judgment alone, without the aid of theirs—and even against it; for it was not a decision subject to the rules of legal practice, but urged by internal considerations, of the force of which I alone could be the judge.

His own judgment followed, not that of his Counsel, in offering the present defence.

If they could have made my case so absolutely their own as to have felt the same impression of it upon their minds that it might make upon mine, still they could not advise me to act upon that impression, with hazards by which I alone might be the sufferer, and which it might be possible to avoid by waiting to a distant, though indefinite, season for a surer determination of my trial by a regular and detailed process.

My Lords, a great portion of my life has passed among a people with whom it is an established and favourite maxim that "speedy injustice is better than tardy justice." I shall not adopt this sentiment in the literal extent of it; nor from your Lordships shall I expect other than at least intentional justice. But, even to your Lordships, highly as I revere your authority and trust to the purity of your decision, I will dare to avow that I would rather expose myself to the hazard of your present condemnation, if I thought there was a hazard of it, than wait to another year for my acquittal, with the uncertainty that even that year would conclude the trial. But, with far different expectations, I now declare to your Lordships that I am willing and desirous to waive my defence of the charge preferred against me by the Commons of England, and to refer myself to your Lordships' immediate judgment, if your Lordships will be graciously pleased to proceed to immediate judgment upon it. For my acquittal I trust most confidently to the evidence adduced by my prosecutors themselves, to make good their charge; having myself listened, with an attention scarce ever relaxed or diverted from the proceedings, and being satisfied that not one criminal allegation of the charge has been established against me, and almost every one refuted by their own evidence, either by the replies of their oral witnesses, or by the written documents or their context, aided by the vigilance of my Counsel, with the partial and mutilated extracts from them which were introduced by the Managers.

Preference of speedy judgment, on imperfect defence, to prolonged expectation.

Confidence in the failure of the prosecution.

prejudices so conceived and disseminated. It is impos- 2 JUNE 1791.
sible for me to refer judges of this description—and un-
necessary for me to refer your Lordships—for the true
criterion of my conduct, to the real and legal process—I
mean to the evidence adduced, and adduced even by my
prosecutors themselves; and I dare to repeat that this
evidence alone is sufficient for my acquittal, so far as it
extends, and that, where it does not acquit, it does not, in
a single instance, operate to my conviction.

Failure of
the evi-
dence.

My Lords, the delay has in some measure been imputed
to myself—how unjustly is known to your Lordships and
to all who have attended this trial.

Cause of the
delay un-
justly im-
puted to
himself.

It has been said that I might have answered Article by
Article. That proposal was rejected by my Counsel, who
alone were capable of judging of its propriety. But, my
Lords, who could have thought that four sessions would
elapse before I should have an opportunity of answering?
There was no precedent in the history of this kingdom of a
criminal trial lasting even through one session of Parliam-
ent, much less through five. It was impossible for me to
avail myself of the experience of others in this case, though
posterity may avail itself of mine.

Opposition
to course of
answering
Article by
Article.

But, my Lords, with respect to wilful delay on my part,
there never was a more unfounded assertion: for, whilst my
accusers have their expenses borne by the public, I am
continually wasting my private fortune—and that so rapidly
that every day's delay amounts to a fine. This circumstance
alone was sufficient to exculpate me from every charge of
delay and procrastination. And this circumstance, my
Lords, contributes its share, though I own but a small
share, in urging me to solicit your immediate decision.

Waste of
private
fortune.

My Lords, it would be an endless task to enumerate all
the items of accusation which have been made use of against
me during the course of this long and tedious trial. I have
been represented by one of the Managers—to use his own
terms—as “an encyclopædia of criminality.” It is, how-
ever, generally speaking, sufficient for the person accused
to give a general denial to general charges; but it will not
take up much time to state to your Lordships the substance
of the general charges so often repeated and so loudly pro-
claimed at your Lordships' bar and to the public. You have
been told that I have ruined and depopulated the provinces
entrusted to my care; that I have violated treaties, and

Compre-
hensiveness
of the
charges.

of speaking, he said that "the hands which signed them were ^{2 JUNE 1791.} yet warm with the thumbscrews that had been put on them."* The absurdity of this declaration was such as to require no answer. My influence in India has long ceased. It is very seldom that mankind are grateful enough to do even common justice to a fallen minister; and, I believe, there never was an instance, in the annals of human nature, of an injured people rising up voluntarily to bear false testimony in favour of a distant and prosecuted oppressor.

In answer to my having squandered away the public treasure, I have only to refer your Lordships to the amount of the expenses, civil and military, of the government of Bengal, during my administration and that of my successor, in peace and in war. Let the balance, which is very considerable in my favour, determine whether I have been profuse or economical. ^{Squandering the revenues.}

In answer to the general charge of disobedience to the orders of the court of Directors, I will not pretend to say that I have in no instances deviated from their instructions. Most assuredly I have. But, wherever I have done so, I trust I shall be able to justify those deviations by the necessity of the case—and by the event. That the court of Directors were satisfied with the general line and tenor of my conduct is evident from the thanks which I have been repeatedly honoured with by that body. I have further to say, that the general sense of the Proprietors has been at all times in my favour, for I have had repeatedly their thanks also, in the fullest and most unqualified manner. ^{Disobedience to orders of the Directors. Necessity. Thanks of the Directors. Approval of Proprietors.}

My Lords, I am sensible that, though I had the thanks and approbation of my superiors in many instances, and though it is acknowledged by many of those who voted for my impeachment that my services were of the utmost importance, and, in fact, have preserved India to this country—I am sensible, I say, that, notwithstanding these thanks and services, it is still possible for me to have committed many reprehensible actions, and that the performance of a thousand meritorious deeds may be no proof of innocence in other transactions.

My Lords, although I have fully and irrefutably answered all the general charges urged against me, I cannot ^{Answer to criminal points in the charges.}

* See the Speech of Mr. Burke, in opening the sixth Article of the Charge, printed in the present volume, p. 5.

minutes of the different members of the Council, and from the resolutions of the whole. Upon these minutes and solutions they have rested Cheyt Sing's right of independence. My Lords, I scarcely need tell you that, whatever various resolutions or opinions might be, individually or collectively, they could not affect the right or title of Cheyt Sing to the zamindary, nor the tenure by which he held it. He was neither more nor less than a zamindar. His sanad and patta were made out, not from a copy of stipulations and agreements between him and the Company, but from the common formulas of such instruments granted to zamindars in the Company's original provinces. The Raja never pretended any right to stipulate or demand. He was content with what the Company was pleased to allow him. My Lords, I do again insist upon it that no arguments, votes or resolutions, of our Board could confer any right or title upon Cheyt Sing which he did not possess from his patta and sanad. Therefore the whole of the evidence which the Managers have brought, respecting our various opinions on the rights of Cheyt Sing, is null and void; and he must be considered the same as any other zamindar of the British Government, with the exception of certain privileges conferred upon him, which were accurately defined in the sanad and patta. Perhaps there never was a more unfair attempt to delude a court of justice than that of making me answerable for violation of a treaty with an independent prince, who had no other claim to independence than that of being so styled in some of our debates in Council, through the inaccuracy of language.

It follows from what I have said, that, if every Government has in time of danger and necessity a right to increase the taxes and revenues upon their subjects, we had also the same right to increase the tax, rent or revenue—or whatever name be given to Cheyt Sing's yearly payments—upon him who was our subject, whenever necessity should require. And of that necessity Government only could judge. These, my Lords, were my sentiments at the time when I moved in Council for a temporary subsidy to be paid by Cheyt Sing. These are my sentiments at the present moment. I considered taxation and protection as inseparably rising from each other. I never did look upon the sanad as exempting Cheyt Sing from the customary demands which all superior states in India make upon their de-

2 JUNE 1791.

He was a zamindar.

The Company's right to increase Cheyt Sing's tribute.

reign territory. He must have been immensely rich, 2 JUNE 1791.
 small fine would not have been felt as any punishment
 man of his opulence. But, my Lords, whether I was
 or right in my intention, I had no other view in it
 at of relieving the necessities of the Company by an
 ich I conceived to be strictly just. And, after all, there
 ly can be no crime in an unexecuted intention—an
 on which the Raja knows not to this hour, and which
 ibly might have altered upon the Raja's submission
 omise of better conduct.

Necessities
of the Com-
pany.

next point of criminality is, that I appointed a suc-
 after the expulsion of Cheyt Sing, and increased the
 es to 17 lacs of rupees annually. My Lords, there was
 rnative between the restoration of Cheyt Sing and the
 tment of a successor. The former was impossible, and
 tter consequently unavoidable. In my choice of a
 sor, I was guided by the rules of consanguinity and
 tary succession; and, in settling the revenues, I did
 ay duty to the Company required of me, I fixed their
 t from the best information of the country's abilities to

Appoint-
ment of suc-
cessor, and
increase of
tribute.

And the annual payments of the same sum from
 me to the present, with trifling balances in some
 which have since been realised, are a sufficient testi-
 of its not being overrated.

re I quit this Article, it may be necessary to call the
 on of your Lordships to another point. Acting, as I
 ider a delegated authority, I maintain that, whenever
 eriors had information both of my opinion and con-
 nd expressed no disapprobation of either, their silence
 ted to an approbation, and may be justly pleaded by
 a full justification of my conduct. When I first pro-
 the demand of five lacs of rupees a year, during the
 doubt was started by Mr. Francis as to our right of
 g it. I recorded my opinion that we possessed the
 which is inherent in all Governments, of calling upon
 subjects for extraordinary aids upon extraordinary
 ncies, and that we were not precluded from exer-
 that right by any engagement made with Cheyt Sing.
 nd debate arose at the Board upon the same question,
 equence of his delays and evasions, and a pointed
 ice was made of the question in both instances to the
 f Directors, from whom I never received one word of
 e or disapprobation of what we continued to do, and
 ly reported in our letters and minutes, for three years

Approbation
of the Di-
rectors.

ns were taken by my accusers to represent me as guilty ^{2 JUNE 1791.} the most atrocious cruelties and barbarities in the act of amputation. I have, however, the happiness to find that it totally unnecessary for me to enter into an exculpation myself with regard to the latter part, for the evidence Captain Jaques and Major Gilpin clearly proves, not y that no cruelties were committed in the manner which stated in the Articles, but, if there really had been any ^{Not responsible for cruelties.} cruelties committed, no blame could be imputed to me nor to y person acting under the British Government.

That the resumption of the Begum's jagirs and the re- ^{The resumption of the jagir and treasures.} mption of her treasure had my approbation, I readily mit. Nay more, I admit that, after I had given my con- at to the Nawab's resuming the jagirs and resuming all the asures, I did earnestly urge him to carry his intentions to effect. My Lords, at the time of my giving this con- nt, I was, from the intelligence which I had received, fully ^{Disaffection of the Begum.} convinced of the Begum's disaffection to our Government.

: was not my opinion only, but it was the general rumour the country that she and her ministers aided and supported keyt Sing in his rebellion. That such was the general ^{Affidavits.} rumour and public opinion is evident from the affidavits ready before your Lordships. And, notwithstanding the genuity of the Managers, who laboured to explain away ^{Affidavits.} our meanings, they still contain and afford the most ample roof of the hostile intentions both of the Begum and her ministers towards our government. But, had the continua- ^{Affidavits.} on of this session enabled me to enter into a detailed fence, I could have brought the most irresistible evidence prove, not only the general rumour and opinion, but also at the Begum did, through her ministers, actually lend her assistance to our enemies.

My Lords, I believe there is no state in the world that ^{The Company's guarantee.} considers a guarantee, made in favour of another state, adding any longer than whilst they continue in amity with each other. The first hostile act of the party guaranteed is d must be a sufficient reason for withdrawing protection. is not expected that we should protect our enemies. It true the Begum could not be considered as the Queen or ^{The Company's guarantee.} oppress of an independent state. She was properly a jagir- r, under the dominion of her son, and, perhaps, there was much more internal criminality in making the guarantee in in withdrawing it. The act of making it was not ne. It was done by the Resident, without the knowledge

when he died, and which the son was obliged to pay. It ^{2 JUNE 1791.} is nothing more than is done frequently in our courts of justice, who will compel an avaricious mother to divide her deceased husband's property with her children, by an execution on her goods or imprisonment of her person. If there would have been nothing improper in the Nawab's insisting upon his right in the first instance, there could be nothing unnatural in what he did in the second instance: he only exercised a right which he was restrained from using by foreign influence, which, as I have said, was not very properly exerted. But, my Lords, whether our interference in the original dispute between the mother and her son was right or not, it is certain she was intitled to our favour no longer than while she continued to deserve it.

My Lords, after I had, upon the fullest conviction of the Begum's disaffection to our government, consented to the resumption of the treasure and jagirs, it is true I was desirous of having it carried into immediate effect; but the resumption of the jagirs was first proposed by the Nawab himself to be general, and the point upon which I afterwards pressed him was, that of resuming the jagirs from his orderlies, a description of men that were by no means deserving of his countenance or favour. He never was averse to the resumption of the jagirs which were held by his mother; but, rather than extend that resumption to his orderlies, though originally proposed by himself, he would have abandoned the plan altogether. This I opposed strenuously, because, having committed myself by the assent I gave, I could not brook the idea of my name being made use of for the purpose of making so unworthy a distinction, which must have affected both the character of myself and of the English government.

Recommendation of the general resumption of the jagirs.

Much criminality has been imputed to my neglect of the Company's orders, which enjoined me to make a judicial inquiry into the truth of the Begum's disaffection. My Lords, I positively deny now, as I did at the time in Bengal, that any order was transmitted to us to make any inquiry at all. And if, upon any construction of language, it had been deemed an order, which it was not by any one member of the Board, it would have been an act of insanity in us to obey it in August, 1783, when a perfect reconciliation had taken place between the Nawab and his mother. Such an inquiry would have thrown all the Nawab's dominions into utter

Pretended order of the Directors to make judicial inquiry into the Begum's disaffection.

however, mean to say that the want of money for the public service would have induced me to take the very measures I did. Neither is it necessary to say what measures I could have taken, under other circumstances, to procure the speedy payment of the Nawab's debt. But it would have been highly criminal in me, had I neglected or refused to give my assent to the Nawab's proposition, which was founded in justice and expediency, both for his government and ours, and particularly at a time when treasure was so much wanted for the payment of our armies. My Lords, I do most solemnly declare that I acted to the best of my judgment, paying due regard on the one hand to the laws of justice, and on the other to the interest of my employers. As to myself, individually, it was a matter of no moment how the exigencies of the service were supplied, so they were actually and effectually supplied. I could have no undue bias upon my mind, for, had I been inclined to act corruptly, I might have found my own account in forbearance **it not in exaction.**

Defence of motives.

The next charge, my Lords, is that of the presents, and it divides itself into two parts—to wit, that of the concealed, and that of the avowed presents.

Charge of presents.

In answer to the first, I need only say that there is no proof before your Lordships of my having accepted anything more than the common ziafat; and even of this there is no other proof than my own admission. I will not pretend to deny, I never did deny, that I accepted the usual entertainments which were then—for it was previous to the Act of parliament prohibiting the receipt of presents—usually given to the visitor by the visited. The Nawab of Bengal received a thousand sicca rupees a day, for a similar entertainment, from the Company, as often as he visited the Governor in Calcutta. It is usual in the country; and it is impossible for any person to read any oriental history without knowing that the custom has prevailed all over the East, from the most ancient times to the present. My predecessors, as I am informed, had received the same, and it was never held criminal in them. I can most solemnly affirm for myself—and I dare say it might be said for my predecessors also—that I did not add one rupee to my fortune by this allowance; and I am confident I must have charged as large a sum to the Company, if it had not been paid to me, according to invariable usage, from the nizamat.

Concealed presents.

Usual entertainments given to a visitor.

Similar allowances paid by the Company to the Nawab of Bengal.

this mode of attack and to efface the suspicions which they ^{2 JUNE 1791.} endeavoured to raise, I have the oath of Mr. Larkins, a man of the highest character for truth and honour, whose integrity has been repeatedly acknowledged by Earl Cornwallis, the Board of Control and the court of Directors, and whom I believe to be as rigidly honest a man as any in Europe. That there are variations in the different accounts I admit. **Many** mistakes I have made, which have struck me with as much astonishment as they could possibly strike any of your Lordships. If there had been any act done by me a few years ago of which I conceived myself warranted to speak with a more perfect recollection than another, it was this, that, before I left Calcutta in July, 1781, I had indorsed the bonds of which your Lordships have heard so much, and had left them with Mr. Larkins to deliver them up to the Council in the event of my death. So desirous was I that the statement of this fact should not rest upon my assertion, that I desired a search might be made at the India House for those bonds, or the copies of them, but none were to be found. I then requested Major Scott to write to Mr. Larkins in my name, and to desire a search to be made for them in Calcutta, and, if found, that they might be publicly transmitted to the Company. They were found; they were sent to the Company in 1789 by Earl Cornwallis, at the express requisition of Mr. Larkins, who states in his letter that he made that requisition at my desire, transmitted to him by Major Scott. But, to my utter surprise, the indorsement of the bonds is not dated till the 29th of May, 1782.

Admission
of mistakes.Indorse-
ment of the
bonds.

After this fact, my Lords, I am as ready as any man to acknowledge that I have been imprudent, in a degree that merits some of the reflections so illiberally thrown out against me, for having written, as I have too often done, on matters of account in which I have myself been previously concerned, without having a single paper or document of any sort near me at the time I wrote. For I admit it to have been well observed by the Manager who closed the Article of presents, that I not only affirmed I had indorsed the bonds in the middle of 1781, but had assigned a reason for so doing, namely, lest I should die during my absence from Calcutta.*

Imprudence
in writing
respecting
accounts
without
documents.

* See the speech of Mr. Fox, delivered on the 7th of June, 1790, and printed in the present volume, p. 336.

ndia to Great Britain, from the hour in which I was informed that France meant to strain every nerve to dispute that empire with us, to bestow a thought upon myself or my own private fortune.

With respect to my having violated an Act of Parliament, I do by no means admit that I have done it. That depends, not upon what I have done, but upon what your Lordships may do—that is, upon what construction your Lordships may put upon the disputed clause. I can only say that I interpreted it to the best of my judgment; and, if I have erred, I have done so in common with many others. No person ever suggested to me that the Act of Parliament deprived the Company of the right of receiving the customary presents, till I heard that interpretation from some members of the House of Commons. My Lords, I should think it impossible for your Lordships to fix any criminality upon incurable ignorance. I say incurable, for though your Lordships should punish me in the severest manner for this mistake, the example can be of no use to the present generation, or to posterity, for you can never give a common understanding the powers of diving into the latent meaning of an obscure clause in an Act of Parliament, a clause of which its real but latent meaning is at variance with its grammatical construction. But a criminality of this nature must depend as well upon the understanding of the judges of the party accused; for it is possible that his interpretation may be right and their's wrong.

Violation of
Act of Par-
liament.

Customary
presents not
prohibited.

Plea of error
in interpret-
ing the
statute.

But, my Lords, I have two observations to make, either of which alone would be a full answer to the point of criminality. First, that there can be no criminality in unavoidable error; or, though it is a maxim in law that ignorance is no excuse, it goes upon this supposition, that information was possible, which in my case it was not. Secondly, that *communis error facit jus*; for everybody that I had occasion to converse or correspond with seemed to understand the clause in the same light as I did. I must here conclude my comment upon this Article, with again declaring the purity of my intentions; that I accepted the presents for the good of my employers; and that I employed them in their service, at a time when the government of India was distressed beyond the power of description.

Purity of
intentions.

My Lords, the fourth Article is that of contracts and allowances. It comprehends, in a government of thirteen years, five different heads. The first is, that I gave Mr. Sullivan a con-

2 JUNE 1793.

Contract made and allowed.

Opium contract given to Mr. Sullivan.

Origination of the source of revenue.

Circumstances of the grant.

The contract not put to auction.

Temptation to adulterate the drug.

Youth of Mr. Sullivan.

tract for opium which proved very lucrative to him, and that I gave it without putting it up to the lowest bidder. The facts are true, and it is incumbent upon me to explain every circumstance in the transaction. It was I myself that created that source of revenue for the Company, and they derived much advantage from it—above half a million sterling, in my government. The value of the opium contract was first ascertained by auction, and we accepted the proposals of Mr. Griffith and Mr. Wilton, who were the lowest of thirteen bidders. We gave it to them a second year; and in 1777 this contract was given to a friend of Mr. Francis, to a Mr. Mackenzie, who held it three years upon the former terms, and it was then given to him for one year longer. It was next given to Mr. Sullivan, who, it seems, sold the contract at a very advanced rate to Mr. Benn, who afterwards sold it to Mr. Young, but of this sale I was utterly ignorant until after my arrival in England; and Mr. Sullivan was, during the whole period of his contract, the person responsible to the East India Company. My Lords, it was impossible for me to know the exact price of opium in the provinces; and it now appears upon evidence that it was purchased by the second contractors much cheaper than ever it had been by the Patna Council, when they enjoyed it as a perquisite.

The only question that can be asked here is—why was not the contract put up to auction, according to the Company's order? To this, my Lords, I answer, that opium was of that nature, and so liable to frauds and adulteration, that it was detrimental to the interests of the Company to give a contract upon such low terms as to drive the contractor to the necessity of debasing its quality, to preserve himself from loss. It was absolutely necessary in such a case, as it was in many others, to have a man of credit, honour and property, upon whom we could rely for the faithful and just performance of his engagement.

My Lords, it was objected that Mr. Sullivan was too young and inexperienced for such an employment. But those who made the objection did not advert to this consideration, that the same objection would lie against Mr. Mackenzie, and it would operate against the appointment of every member of Council who had of late been sent to India. Surely inexperience in the growth and manufacture of opium and inexperience in the modes and forms of government are exposed to hazards of very different magnitude and consequence!

An objection has been raised against Mr. Sullivan on 2 JUNE 1791. account of his being called my assistant. By assistant it was not meant colleague in office, or participant in power, but a more respectable name for a secretary or writer. Mr. Sullivan his assistant.

The next head is, the army cattle contract. Upon this I am charged with corruption and waste in the rates, and access in the increased numbers of the cattle. The corruption, I conclude, alludes to some inordinate profit in it. To this I answer, that the profit was solemnly attested by Mr. Ferguson, offering to confirm it by oath, that fifteen per cent. *per annum* was the extent of the profit during the war, and that profit still liable to outstanding debts. This, so far from being an exorbitant profit, amounted to no more than a reasonable agency. Army cattle contract. Profit less than asserted.

But I should first have answered the charge of breach of orders, in not putting the contract up to auction and accepting the lowest bidder. The army contract had for many successive years been put up to annual sale, until it had been beaten down to rates unequal to the service. This came in proof before me. For, when the war was spreading, the contractor threw himself upon our equity, and declared he could not reform the service upon the terms he had undertaken. The rates, in consequence of that representation, were revised and amended, the Board having, in the year 1778, granted additional allowances because the former were insufficient. Now was it possible to advertise for the lowest bidder, while we were rejecting the lowest bidder and admitting the expediency of raising his terms? The thing required by the company was impracticable. Reason for not putting it to auction.

As to the extravagance of the rates, these had been formed with the advice of the best informed and most experienced officers. This point was also brought in proof before me; for, when General Goddard's army was to march across India, they had scarcely quitted our provinces when the contractor proved himself once more obliged to throw himself upon the justice of the Board, notwithstanding the raised rates which he found inadequate to the service. He therefore prayed that some other might do the service; and his prayer was granted. Asserted extravagance of rates.

The excess of numbers is next to be considered: 6,700 were appointed for an army of 35,000 men. No detachment marched that did not require a much larger proportion than these numbers bore to the whole army. The army now in the field, of 18,000 men, has 23,000 head of cattle. Excess of numbers of bullocks.

continued to him by the Company ; for it was unreasonable that he should take the field upon the allowances which his predecessor enjoyed for staying in Calcutta. I so well know the value of Sir Eyre Coote's presence on the coast, at a time when the army was defeated and dispirited, that I hardly anything he could have asked which I should have given him.

Lords, I must also pray you to advert to the circumstance of General Stibbert, who was an inferior officer, and an allowance of above 80,000 rupees a year, while Sir Eyre Coote was restricted to 60,000. Could it be expected that he should have been satisfied with that large difference, at the same time that he was upon service and liable to many additional expenses, while Sir Stibbert was at ease in cantonments or garrison? It is impossible for Sir Eyre Coote's allowance, as settled upon him, to be sufficient in the field, if the same sum was so much for General Clavering in Calcutta, or if a smaller sum was not too large for General Stibbert in cantonments.

my Lords, it was not a time to cavil with Sir Eyre Coote about field allowances. I never was more convinced of the truth of any hypothesis than of this, namely, that if Sir Eyre Coote had resigned in disgust—which he might have done—the Carnatic would have been infallibly lost to us for ever. I can only say, in addition, that I had no other view or motive in what I did, and I should think it my duty to act the same part over again, in like circumstances. Nay, I would have abridged my own allowances to increase his, if he could have received them, rather than have suffered him to resign in disgust, or to have left the army in discontent.

Lords, in accounting for the agency given to Mr. Auriol, it will be necessary for a moment again to call attention to the very alarming and distressed state of our possessions in the Carnatic. Hyder Ali, victorious in the field with his numerous army, which had cut off a large portion of our troops and driven the main body back with considerable loss to Madras, was laying siege to Arcot, and inevitably fell, soon after, for want of succours. His numerous followers were desolating and laying waste the face of the country, by burning the villages and destroying the cultivation, up to the very walls of Madras. In this desperate situation, did the President and Council

2 JUNE 1791.

Higher allowance to General Stibbert while in cantonments.

Importance of Sir Eyre Coote's services.

Purity of motives.

Mr. Auriol's agency.

Alarming situation of the Carnatic.

7 stated by the Manager who summed up the charges, 2 JUNE 1791
 afterwards considerably reduced, and there were many
 s to be defrayed out of it. My Lords, I submit that
 ney was the only effectual mode of insuring a constant
 cient supply for this important service; and I maintain
 proved to be the most frugal mode to the Company.

confidence which the Board had in Mr. Auriol's Integrity of
Mr. Auriol.
 ce and integrity, confirmed by many years' experience
 conduct, pointed him out as a proper person for this
 , and he was accepted. The mode of delivering ac- Accounting
upon honour
not a new
practice.
 upon honour was not a new mode in the Company's
 , and it is practised at the present moment in Bengal,
 as it by any means intended to preclude the exami- Vouchers
not pre-
cluded-
 of vouchers, where vouchers were required or could
 luced, but meant to strengthen the obligation of the
 accounting, where vouchers either could not be had,
 so numerous as to make it almost impracticable to
 e them with the accounts. I understand that vouchers
 ere refused by the agent. But, as so much has been General
practice of
credit in
business.
 on this subject, I hope I may be permitted to remark,
 any imputed disrespect to your Lordships—whose
 no man can more highly revere than I do—that I
 is impossible you can conceive the term has been pro-
 l or misapplied on these occasions. Every merchant
 s on the honour, credit, good faith or honesty—call
 you will—of his reputed dealings; and, were this
 ance banished from the community, I fear we should
 ry little security for any transactions in our inter-
 with mankind.

Lords, I am accused of granting an agency to Mr. Agency to
Mr. Belli;
 who is stated to be one of my own dependants, with a
 l and improvident commission. It will be found that
 siness did not originate with me. The necessity for
 up a depôt of provisions and stores in the garrison of
 William, that we might be prepared for a siege, was, as
 lect, strongly urged both by General Clavering and
 Francis; and a degree of neglect was imputed to me for
 aving provided against such an emergency. The
 re was afterwards, on a minute which I delivered, con-
 d in Council; and, upon the resolution of the Board
 ach a depôt should be formed, the opinion of merchants
 quired upon the *quantum* of commission adequate to
 ent for his trouble, charges, and loss by wastage and
 in keeping up the store from year to year in constant
 condition. The merchants declared that twenty *per cent*.

Originated
with General
Clavering and
Mr. Francis.

afflicted, it was not possible, as he very well 2 JUNE 1790.
time, to impute them even by any kind of
ction to me. My Lords, it is a fact that I
person to give Mr. Paterson an ill opinion of
hose conduct upon former occasions had left
le and, perhaps, an unjust impression upon my
loying Deby Sing, I certainly yielded up my
t of Mr. Anderson and Mr. Shore, who had
nities of knowing him than I could have. In
the inquiry into his conduct, he received
nor countenance from me, nor from any
Board. That inquiry was carried on princ-
ras at Lucknow, and was not completed during
nt, though it was commenced and continued
sible solemnity, and with the sincerest desire,
id on the part of my colleagues, to do strict
justice. The result I have read in England;
appears, that, though the man was not entirely
xtent of his guilt bore no sort of proportion
de of the charges against him. In particular,
the most horrible of those horrible acts, so
ed and with such effect in this place, never
d at all. Here I leave the subject, convinced
of your Lordships must feel for the unparal-
that was done to me by the introduction and
that atrocious calumny.

Deby Sing
employed on
Mr. Ander-
son and
Mr. Shore's
recom-
mendations.

The inquiry
not com-
pleted
during
Mr. Hast-
ings' govern-
ment.

Exaggera-
tion of
charges
against
Deby Sing.

I will not now detain your Lordships by
remarks upon the gross injustice that I also
iving been compelled to appear at your Lord-
ustify acts which have received the repeated
the King's Ministers and, virtually, of the
Commons. My Lords, it is perfectly true
es to which I allude are not insisted upon, or,
s, that they are abandoned. But I feel the
sibly, and the expense of defending myself
as been intolerable.

Approbation
of Ministers
and House
of Commons.

Ministers, as members of Parliament, voted to
or accepting a delegation to Oude, and for
ngement with the Nawab Wazir which sub-
sent moment.*

Reference to
votes of
Ministers in
the House of
Commons.

was at this point interrupted by Mr. Fox, and the following

My Lords, I am sure I should be very unwilling to do any thing
on in the situation of the defendant, but I am sure your

2 JUNE 1791.

Visit to
Oude and
arrange-
ments with
the Nawab
Wazir.

Charge of
ruining the
natives of
Bengal.

I say, my Lords, in four separate letters the Ministers approved of what I had done, though they to impeach me for doing it. They ordered my arrangements to be invariably adhered to; they approved, as they do themselves, of the principles upon which it was formed the Minister for India has taken credit every year for subsidy procured by that arrangement, which is paid over with the punctuality of a Bank dividend. They voted to impeach me for having ruined, oppressed and destroyed the natives of Bengal, although in the first stage of business they opposed the revenue Article, which our

Lordships will think that you cannot, with any great propriety, lay any individual Member of Parliament voted in the House of Commons.

Lord Kenyon.—The person accused at the bar will certainly meet the rest of this House, and of the Managers also, in replying to the allegations that have been opened against him, by avoiding, if he can, the use of names; they are certainly competent to him, if he thinks it for his advantage, to point out any inconsistency or injustice in the conduct of his prosecutors.

Mr. Hastings.—My Lords, I beseech you to recollect the very great tenderness I have used, when I have been speaking of the most atrocious crimes that have been committed against me. It is not my intention to attack any body; but if any fact which is absolutely necessary in my defence necessarily involve the crimination of others—I do not mean to criminate them—but the consequence is inevitable; it is not my fault.

Mr. Fox.—I beg your Lordships' pardon. I do not know whether I made myself sufficiently understood in the nature of my objection. I object to any language the prisoner may use in his situation, but by stating that the King's Ministers had so voted in the House of Commons. Now, as that is a fact that he cannot bring any evidence of, and as it will be impossible for us to observe upon in reply, your Lordships will not wish to hear how any Member of Parliament had voted in the House of Commons, of which you could have no cognizance whatever.

Mr. Hastings.—My Lords, may I, without disrespect to the Managers that I only use a licence for which I have their example. They have on several occasions quoted the orders and resolutions of the House of Commons.

Lord Kenyon.—The resolutions of the House of Commons; but as to the conduct of this or that particular Member.

Mr. Hastings.—And I never interrupted, nor did my Counsel ever interrupt them, when they were making long speeches against me.

Mr. Burke.—My Lords, we must beg leave to say—

Mr. Hastings.—My Lords, I throw myself upon your Lordships' protection. I beseech you to protect me from this violence.

Mr. Burke.—I must say for the Managers that we offer no violence.

Lord Kenyon.—If the prisoner was guilty of any impropriety, and if the administration given him corrects himself, perhaps it is better.

Mr. Hastings.—I lie under a great disadvantage. If what I have said is wrong, punish me for it; but I beseech you, do not let me be interrupted. I cannot speak from the sudden impulse of my own mind. I am accustomed to it. I have written down what I wish to submit to your Lordships, and I call God to witness that I did it with as strong an impression of the respect and reverence due to this honourable Court, and of the duty that is due to the House of Commons, as is possible to conceive.

Lords.—Go on! go on!

these allegations, and although the falsehood of the charge must be apparent to every man who is not prepared to prove that the Minister for India has annually presented false accounts to the House of Commons. Both cannot be true. —

In the few words that I had the honour to address your Lordships on Monday, I assured you that I should never make a defence for my conduct on the plea of necessity, although the Managers for the Commons have taken so much pains to refute that plea. According to my construction of the law, it was not criminal to receive presents, with a solemn determination in my own mind to appropriate every rupee so received to the public service. And to that public service was every rupee applied with the utmost fidelity.

Intention of paying the presents received to the public service.

I thought it perfectly consistent with justice to levy a fine of forty or fifty lacs of rupees from Cheyt Sing for his contumacy. I conceived it strictly justifiable, upon the information that I had received of the Begum's disaffection, to consent to the resumption of her jagirs and of the treasure in her possession. That I had information of her disaffection before me is clearly in evidence, and if I could have been favoured with a few days' attention in this place, I could have established that fact by irresistible proof.

The Begum's disaffection.

But, my Lords, does it cease to be material to establish the necessity, or is it to be said that the necessity did not exist at all, because I am of opinion that I broke no law in accepting presents, and did not degrade my own character or the British name by my conduct to Cheyt Sing or the Begum? My opinion of our necessities may be collected from the following passage in my Narrative of the Insurrection in Benares:—

The Company's necessities.

"I left Calcutta impressed with the belief that extraordinary means were necessary, and those exerted with a strong hand, to preserve the Company's interests from sinking under the accumulated weight that oppressed them. I saw a political necessity for curbing the overgrown power of a great member of their dominion, and making it contribute to the relief of their pressing exigencies: if I erred, my error was prompted by an excess of zeal for their interest, operating with too strong a bias upon my judgment."*

Of what nature these necessities were I will now state, and I believe the proofs of them were upon the table of the House of Commons when those necessities were denied to

Explanation of the Company's difficulties.

* Mr. Hastings' Narrative of the Insurrection in Benares; p. 12.

orary relief of their sepoy—as they did also upon the 2 JUNE 1791.

But if, with the sum of 138 lacs of rupees which I 138 lacs procured in Oude, from September, 1781, to September, Oude.

and a very large sum received in the next year, we d it difficult to maintain our armies, what must have

the consequence had I not formed such a beneficial igement with the Nawab Wazir? And your Lordships

believe that I felt the full force of our situation when I luded the treaty of Chunar. I had not then—I have

now—the smallest doubt that the Begum had afforded Assistance from the Begum to Cheyt Sing.

ary assistance to Cheyt Sing. Circumstances have been

ght to my recollection since the trial commenced which escaped me before, and these are confirmed to me by

ence which I am sure your Lordships would deem ive upon the subject, had I been allowed a few days to

t before you.

y Lords, you are now better able to judge of the diffi- Difficulty of finding resources.

es which I had to encounter in the last war than I did ose it within possibility for your Lordships to be, when

trial commenced. Your Lordships will feel for the ts under which I laboured, when I had to contend, at

time, with all the powers of India combined with the ch and the Dutch, because your Lordships have proofs

re you, in the council chamber of Parliament, that the Failure of means to meet expenses of the present war.

ances of India are now utterly inadequate to the support

war against one native power who is unassisted by any

pean ally. We are in alliance with all the Mahratta

's and with the subahdar of the Deccan, who were in

former war confederated against us. The government

engal, when this war commenced, was free from foreign

domestic embarrassments. The Nawab Wazir had com-ly liquidated his debt, and his subsidy was paid with

utmost punctuality. Benares afforded the full revenue

h I am impeached for having procured. The salt, the

m, and the land revenues of Bengal, added to the

idy from Oude and the Benares collections, produced

ally to the Company near 5,400,000*l*. But, my Lords,

adequate have these resources proved, with the addition

ie revenues of Fort St. George and Bombay, that, since

commencement of the present war, a very considerable

in specie has been transmitted from England to India;

ey has been borrowed, to the utmost extent of the Com-

r's credit, at Bengal, Fort St. George and Bombay, at a

interest; and Hyder Beg Khan, of whom your Lordships

and to plead the disadvantage of the restricted and inadequate time, and the infirm state of body under which I have arranged it. — 2 JUNE 1791.

I most reluctantly press upon your Lordships' time, and shall hasten to conclude with a few general observations upon the nature of this impeachment, as it relates to those principles which constitute the moral qualities and characters of all mankind. Observations on the impeachment.

If the tenour of a man's life has been invariably marked with a disposition to guilt, it will be a strong presumption against him, in any alleged instance, that he was guilty. If, on the contrary, the whole tenour of a man's life was such as to have obtained for him the universal good will of all with whom he had any intercourse in the interested concerns of life, the presumption will be as well grounded that he was innocent of any particular wrong imputed to him, especially if those who are the alleged sufferers by that wrong make no complaint against him. But what shall be said of complaints brought against a man who was in trust for the interests of the greatest commercial body in the world—who employed and directed the services of thousands of his fellow citizens in great official departments, and in extensive military operations—who connected princes and states by alliances with his parent kingdom—and on whose rule the peace and happiness of many millions depended—I say, what shall be said of complaints brought against such a man, in the names and on the behalf of all those descriptions of men who all unite their suffrages in his favour? Such complaints, with such a presumption against the possibility of their truth, may have existed, but the history of mankind cannot produce an instance of their being received on such a foundation, until the late and present House of Commons thought fit to create one in my impeachment. Permit me, my Lords, to retrace the principal events in the public life of that man whom the Commons have thus brought, and so long kept, on trial before you. Testimony in his favour from inhabitants of India.

In the year 1750, I entered the service of the East India Company; and from that service I have derived all my official habits, all the knowledge which I possess, and all the principles which were to regulate my conduct in it. If those principles were wrong, or if in the observance of them I have erred, great allowance ought to be made for human infirmity, where I possessed such inadequate means of obtaining a better guidance. Yet the precautions which I inva- Knowledge of affairs derived from the Company's service. Fulness of communication.

† JUNE 1790.
 tions to the
 Directors.

Reports to
 Lord North.

Implied ap-
 proval of his
 measures by
 the Minister
 or the Di-
 rectors.

riably used render even this plea unnecessary, by the references which I made to the court of Directors, my immediate masters, of every measure which I have undertaken, with its motives and objects minutely detailed and explained. For the truth of this assertion I might safely appeal to them, and I am sure that they would attest it. And the volumes both of consultations and letters in their possession prove that my share of the compilation exceeds beyond all degree of comparison, that of the most laborious of all my predecessors, not excepting even my ever honoured friend, Mr. Henry Vansittart. Nor was it to them only that I was thus communicative. When Great Britain was involved in a complicated war, and her governments in India had, besides European enemies, a confederacy of all the principal powers of India armed against them, I gave the then Minister of this kingdom constant information of all the measures which I had taken, in conjunction with my colleagues in the government, to repel the dangers which pressed us, the motive and objects of those measures, the consequences expected from them, and the measures which I had further in contemplation. And it has since afforded me more than common pleasure to reflect, that every successive letter verified the expectations and the promises of the preceding.

If I had given evidence in my defence, I should have called upon the noble Lord to have produced all my letters in his possession—those, and my letters to the court of Directors. But my letters to Lord North, in a most striking manner, would have shown how careful I was to expose all my actions to their knowledge; and, consequently, how little apprehension I could have felt that there was anything in them that could be deemed reprehensible. In all instances which might have been deemed of a doubtful nature, these communications were virtual references for their sanction or for their future prohibition. If I received neither, their silence was a confirmation, and had more than the effect of an order; since, with their tacit approbation of them, I had imposed upon myself the prior obligation of my own conception of their propriety. Were I therefore for a moment to suppose that the acts with which I am charged and which I so communicated—for I communicated all—to the court of Directors, were intrinsically wrong, yet from such proofs it is evident that I thought them right; and therefore the worst that could be said of them, as they could

affect me, is, that they were errors of judgment. And even for these, in all instances where they were repeated, or became the causes of subsequent acts deriving the same quality from them, the error, and every blame which would attach to them, was theirs who might have corrected them and did not.

In the year 1768, I was appointed by the court of Directors of the East India Company a member of the Council, and, eventually, to succeed to the government of Madras. In the year 1771, when the affairs of their principal establishment were supposed to be on the decline and to require an unusual exertion of abilities and integrity to retrieve them, the court of Directors made choice of me for that trust; and I was by their order removed from the Council of Fort St. George to the government of Fort William, in Bengal, and to the principal direction of all the civil, military, commercial and political affairs, dependent on it.

In the year 1773, I was appointed by an Act of Parliament Governor General of Bengal, for five years. In the year 1778, I was reappointed by the same authority, for one year; in 1779, for another; in 1781, for ten years; and in 1784, I was virtually confirmed by that Act which forms the present government for India.

In this long period of thirteen years, and under so many successive appointments, I beg leave to call to the recollection of your Lordships, that, while Great Britain lost one half of its empire and doubled its public debt, that government over which I presided was not only preserved entire but increased in population, wealth, agriculture and commerce; and, although your Lordships have been told by the House of Commons that my measures have disgraced and degraded the British character in India, I appeal to the general sense of mankind to confirm what I am now going to say—that the British name and character never stood higher or were more respected in India than when I left it.

So much may I say for the general effect of my government; for the specific acts which have contributed to produce it, it would require volumes to recite them. Permit me, shortly, to enumerate the principal heads which comprehend them.

Every division of official business and every department of government which now exists in Bengal, with only such exceptions as have been occasioned by the changes of authority enacted from home, are of my formation.

2 JUNE 1791.

His successive appointments.

Successive appointments as Governor General by Parliament.

Success of his administration.

Specific acts of his government.

Division of business.

the Commons of England, in whose name I am
 ed for desolating the provinces of their dominion in
 I dare to reply, that they are—and their represen-
 annually persist in telling them so—the most
 ing of all the states in India. It was I who made
 2. The valour of others acquired—I enlarged and
 ape and consistency to—the dominion which you hold
 I preserved it. I sent forth its armies with an
 d but an economical hand, through unknown and
 regions, to the support of your other possessions—to
 rieval of one from degradation and dishonour, and of
 er from utter loss and subjection.
 intained the wars which were of your formation, or
 of others—not of mine. I won one member of the
 ndian confederacy from it by an act of seasonable
 ion. With another I maintained a secret intercourse,
 erted him into a friend. A third I drew off by
 n and negotiation, and employed him as the instru-
 f peace. When you cried out for peace, and your
 vere heard by those who were the objects of it, I
 l this and every other species of counteraction by
 in my demands, and accomplished a peace, and I hope
 ag one, with one great state: and I at least afforded
 icent means by which a peace, if not so durable more
 ble, at least, was accomplished with another. I gave
 ; and you have rewarded me with confiscation, dis-
 and a life of impeachment.
 word more, my Lords, and I have done. It has been
 bion in the course of this trial, sometimes to represent
 ives of India as the most virtuous, and, sometimes, as
 st profligate of mankind. I attest their virtue, and
 is unanswerable proof of it. When I was arraigned
 your Lordships in the name of the Commons of Great
 , for sacrificing their honour by acts of injustice, op-
 , cruelty and rapacity, committed upon the princes,
 and commonalty, of Hindustan, the natives of
 of all ranks, came forward unsolicited to clear my
 ion from the obloquy with which it was loaded. They
 sted a generosity of which we have no example in the
 an world. Their conduct was the effect of their
 f gratitude for the benefits they had received during
 inistration. My Lords, I wish I had received the
 istance from my country!

2 JUNE 1791.
 Flourishing
 condition of
 the British
 provinces in
 India.

Successful
 negotiations
 with native
 princes.

Establish-
 ment of
 peace.

Gratitude of
 natives of
 India.

stands. I am, above all things, desirous that 2 JUNE 1791.
should come to an immediate decision upon
before you. But, if the shortness of time
ent your Lordships from complying with this my
re, and the trial must of necessity, and to my
sorrow, be prolonged to another session, then,
I trust you will not consider me, by anything I
excluded from adopting such means of defence
I may judge most advisable for my interest.

Claim to be
allowed to
adopt other
means of
defence.

and fears by which his mind is not agitated. 14 FEB. 1792.
in the consciousness of his own upright motives,
in intended and successful labours for the public
reposes himself in secure confidence on the justice
ment of your Lordships; whilst his advocate
the pressure of apprehensions and terrors, excited
foreign indeed to the merits of this cause, but
affecting the conduct, and—such is the imperfec-
common nature—materially influencing the event,
very cause.

Is, all the arts by which the minds of any Prejudice against the defendant from the nature of the charges, and the eloquence of the prosecutors.
men are most powerfully fascinated, and attracted
deration of any subject, already predisposed to any
of it, have been employed, with no very scrupulous
them and with very formidable effect. Crimes
rest die, and cruelties, at the bare mention of
sympathy of our common nature is convulsed
l—detailed, as they repeatedly have been, with
positive assertion of their existence, and with an
forced and unnatural, as I trust it has appeared,
application pointedly and peremptorily made to
an at your bar, have had an operation more
trust, without than within the limits of these
an operation nowhere to be disregarded. Topics
inflammatory kind, together with others more fitly
to the reason and judgment of your Lordships,
l with the unrivalled display of such talents and
is no other period of our history has brought
to one common point of action and observation,
ied and exhausted all the attention which the
l is capable of giving to the most finished per-
f human ingenuity.

s, to a taste thus pampered and, I had almost Comparative disadvantages of the Counsel for the Defence.
ted with these luscious delicacies we have nothing
but the plain and simple food, I had almost said
k, of fact and argument. But, my Lords, we
ther account occasion to anticipate the dissatis-
disgust of your Lordships. Not only the manner
is subject will be treated must be more homely
to which your Lordships have been hitherto
but the subject matter itself and every other
circumstance has lost the attractive grace of
his solemn scene, the concentrated splendour of
that is dignified and illustrious in the various

ulties of this extraordinary case and pressure he is enabled to find consolation to reflect that the audience to be assembled here are a tribunal whose pure and unbiassed judgment is expected to be directed to justice—whose high hereditary knowledge of the principles of the English constitution will be guided by the principles upon which all our laws are administered in every age, country, and climate. His particular acquaintance with the relations and dependencies, of every part of this vast empire, acquainted with the losses and dismemberment which it has sustained in some parts, with the resources it has found, and the wisdom by which it has been sustained, and more than all, whose interests and honour are interwoven with the best interests and honour of the country—assure him against the effect of these prejudices which might obscure or regulate the conduct of a less noble and enlightened tribunal.

My Lords, the defendant is now at the entrance of the trial in which he has stood before your Lordships in a continued trial upon matters of high criminal situation in which no British subject was ever before—a situation in which, I am sure, I am not the only one who feel the general humanity when I say, God forbid that a subject should ever be placed again!

My Lords, I own I have heard it, sometimes with a degree of surprise, urged by the honorable counsel in the course of detailed addresses to your Lordships, when it would not have become me, with the

My Lords, I own I have heard it, sometimes with a degree of surprise, urged by the honorable counsel in the course of detailed addresses to your Lordships, when it would not have become me, with the

My Lords, I own I have heard it, sometimes with a degree of surprise, urged by the honorable counsel in the course of detailed addresses to your Lordships, when it would not have become me, with the

Their objections to evidence supported by the court.

has its accused, its accusers, and the parties who represent 14 FEB. 1792.
 am. Everything that, in any more ordinary tribunal can be
 aged, insinuated or proved, may [I trust be met here as] in
 ner tribunals: the insinuation may be repelled, the allega-
 ra refuted or denied, the proof met by contrary proof; and,
 short, in every attempt, if such should be made in any
 art, to prejudice a party before that court, by any unfair
 arguments or insinuations, such arguments or insinuations
 be met by fair exposure and detection of their fallacy, I
 coive, in every court within this land. If, however, my
 rds, there should exist any court in which this equality
 is not exist, such court I would venture to pronounce not
 be correctly constituted for the purpose of trial; because
 wants that equality and that mutuality which is essential
 the distribution of justice, in every free and enlightened
 ntry.

My Lords, I trust I need lay no such claim either with Respect for
the prosecu-
tors.
 or Lordships or the honourable Managers. I trust that
 air candour and magnanimity will not stoop to animadvert
 on upon any improvident expression which, in some
 ment of eagerness, may fall from us; but, as they have
 oured even us, the advocates of Mr. Hastings, with
 air strictures and animadversions, so they will allow us
 th modesty and deference, in some degree, if not the laws
 retaliation, at least the laws of self vindication and redress.
 y Lords, I think it hardly necessary to say that I feel the
 epest respect and reverence, not only for the aggregate
 dy of the prosecutors, but for those to whom this pro-
 cution is immediately delegated, and that it cannot be my
 rposed intention, in anything which I shall address to
 ur Lordships, to violate either the privileges or respect
 it are due to that aggregate body, or the particular and
 rsonal respect which is due to any individual gentleman
 om they may have selected upon this occasion to state
 l to press their accusation.

Having said this, I shall, with a mind somewhat relieved
 m that anxiety which one cannot help feeling when placed
 a situation of some peril and much disadvantage, proceed
 the [discharge of the duty I have undertaken].

My Lords, such has been the fruitfulness of this country Precedents
for insulting
language in
State prosecu-
tions.
 matters of criminal charge, that every person charged in
 degree by a state prosecution has before him a variety
 precedents, according to which he may square his conduct.
 t should at any future time suit, or has at any past time

Lord at the bar should feel the weight of truth, but not of his accusers. 14 FEB. 1792.
 And it is not to aggravate guilt or to press down the load heavier upon
 me that I am at this time commanded to speak, but to satisfy your
 Lordships now, and the world hereafter, from the nature of the evidence
 by which this accusation has been supported, why no part is attempted
 to be answered."*

His Lordship then proceeds—

"There are many circumstances which induced them"—the Commons
 —"to single out this prosecution; many circumstances of a public,
 any of a peculiar nature. I am almost tempted to mention some of
 them; but, in part, they have occurred to your Lordships in the course
 of the examination, and I refrain, lest I should drop anything that might
 tend to inflame. Everything of that sort has by everybody been care-
 fully avoided upon this occasion. That 'Ciceronian Eloquence,' as he
 calls it, from principles of justice and humanity, has not been used against
 me. Every gentleman who has spoke in this trial has made it a rule to
 himself to urge nothing against the prisoner but plain facts and positive
 evidence, without aggravation. They have addressed themselves to your
 judgment, and not to your passions."†

My Lords, I shall say nothing upon these precedents, more
 than that these are precedents which the Managers of a state
 prosecution may, if they approve them, follow. Whether the
 defendant has, upon this occasion, felt the weight of truth
 of his accusers more, is certainly, a matter for the judg-
 ment of your Lordships.

Comparison
 with treat-
 ment of the
 defendant in
 the present
 trial.

My Lords, an honourable Manager stated, and I think
 with great justice of argument, that there was a great differ-
 ence to be taken between the manner in which charges of
 misdemeanour were to be treated and charges of more definite
 and specific crimes.‡ To an extent there is; and, certainly,
 in the case of felonies and offences of a more descript and
 specific nature, there is less occasion for any terms of an
 extraordinary description to point out the crime, inasmuch
 as the Legislature, by annexing a distinct description and
 punishment, has defined it; but it is necessary only for the
 purpose of fully explaining the crime—be it misdemeanour
 or whatever else—that is imputed to the party, to show that
 which constitutes its principal *gravamen* and tendency. No
 further is just and warrantable, in any other court, than that it
 may have merely the effect of showing the tendency and mischief

Pretence of
 peculiar
 treatment
 required for
 charges of
 misdemea-
 nour.

* See the Speech of Mr. Murray, Solicitor General, afterwards Earl of Mans-
 field, in the report of the proceedings in the Impeachment of Simon Lord
 Lovat for High Treason.—Printed in the "Complete Collection of State
 Trials," compiled by T. B. Howell, Esq., vol. xviii., col. 803.

† Printed as above, col. 813.

‡ See the Speech of Mr. Sheridan, 3d June, 1788; vol. i., p. 483.

of the true materials of genuine history, I undertake to 14 FEB. 1702.
the public fame.

Lords, we have been told that, neither in that country
any other, has there existed such a thing as arbitrary
* My Lords, I am at issue upon that assertion; and

Arbitrary
power in
India.

not show that that country, up to the period when, I
y, it was blessed by the administration of the English,
en the devoted seat of every thing that is detestable in
ape of misgovernment and tyranny, I claim no attention
7 assertion from your Lordships.

Lords, I know no other traces respecting the Brahman-
a than those which are comprised in a few preliminary
rs of Dow's History of Hindustan. I do not think the
y under that administration quite so good, nor the
on of the country quite so happy, as the honourable
er has represented. There is one thing occurs in the
of that period which is curious—their division of

Condition of
the country
in the Brah-
manical
period.

They divide the history of the world into four por-
That in which we live is supposed to consist of
years; and they make that portion consist of three
s of falsehood and one fourth truth. How far they
rranted in that speculative opinion of the age in which
w live, your Lordships are better judges than I am.
ere is one circumstance which does not square quite
he hypothesis of the honourable Manager—that that
sort of golden age in which the lamb and tiger laid
together, all peace and harmony, and that war and
were not known. Read the first page of that same
, and you will find wars carried on, much more bloody
ny in our times. There is an account of some mil-
f men and some thousands of elephants drawn in
against each other; and they fight till only eight are
one side and four on the other. So much for the
ssness of that period!

Chronology.

ing, therefore, over the Brahmanical era, which fur-
no support to the hypothesis of the honourable
er, let us proceed to the Mohammedan era, the foun-
of which was laid by [Sultan Mahmoud of Ghuzni],
ras the first Mohammedan that invaded it with any
es of dominion; and, after eight or nine predatory
ons, the government at last settled in his house. It
system, not of government, but of cruelty and rapine.

Sanguinary
wars.

Mohamme-
dan era.

System of
cruelty and
rapine.

* See the Speech of Mr. Burke, vol. i., p. 76.

14 FEB. 1792.

Difficulty of
countersail-
ing misre-
presenta-
tions.

orders of this well compacted community, the dazzling play of the envied and valuable distinctions with which wisdom of our country has at all times adorned high and eminent virtue, valour and learning—everything, in short, which is valuable and sacred in the display of the superior administration of British justice, has, by the frequency of exhibition, lost much of that eager attention and interest which it received and lent to the first efforts of those whose great faculties needed no such aid to arrest attention.

My Lords, the province which our duty assigns us in other accounts equally irksome and disadvantageous to detect brilliant fallacies, to unveil specious error, is at times a thankless, obnoxious and uninteresting office; to dispel the clouds of misrepresentation, which have been during so many years collecting over the public life and conduct of the gentleman at your bar, within that contracted portion of time which the public patience and—what at your hands is equally deserving of consideration—the torturing and almost expiring patience of our client, will allow is hardly within the compass of the same talents which have imposed this burden on us, but is beyond the reach of a reasonable hope, with those meaner faculties on which this Herculean labour rests. Struggling, therefore, against so many natural and so many artificial difficulties, enhanced by the inevitable effect of anticipation and fatigue, where can the advocate look for comfort or from whence derive any reasonable source of hope?

Advantages
from the
character of
the tribunal.

My Lords, against the dismay and despondency which considerations of this sort are too apt to excite, he feels himself buoyed up and sustained by other considerations which operate, in no mean degree, towards restoring his mind to a due state of composure and confidence. My Lords, if he recollects that he is to encounter a charge in the name and under the sanction of the whole representative body of Great Britain, urged and enforced, as upon this occasion it unquestionably has been, beyond the parallel of any former time, with the most singular combination of the most vigorous talents, the most brilliant and bewitching eloquence, the richest and most powerful treasure of memory and imagination, the most practised industry, the full effect of none of which powers and advantages have been enfeebled or blunted by any of those infirm considerations which sometimes qualify the language and conduct of less illustrious accusers—I say, if he recollects that he has to strug-

ties of this extraordinary size and pressure, he 14 FEB. 1792.
 solation to reflect that the conflict is to be sus-
 re a tribunal whose pure and, not expected only,
 aced justice—whose high hereditary honour—
 rged knowledge of the springs of all human
 the principles upon which all human governments
 administered in every age, country and climate
 rticular acquaintance with the relation, interests
 lency, of every part of this widely extended
 the losses and dismemberment which it has sus-
 some parts, with the resources it has found, and
 and wisdom by which it has been sustained in
 , more than all, whose interests and honour,
 interwoven with the best interests and honour
 untry—assure him against the effect of these
 udices which might obscure or deprave the under-
 ' a less noble and enlightened tribunal.

s, the defendant is now at the entrance of the Long dura-
 tion of the
 trial.
 which he has stood before your Lordships, in a
 ontinued trial upon matters of high criminal
 situation in which no British subject was ever
 e—a situation in which, I am sure, I am but the
 general humanity when I say, God forbid that
 subject should ever be placed again !

ls, I own I have heard it, sometimes with a Unfairly
 imputed to
 conduct of
 the Counsel
 for Mr.
 Hastings.
 : degree of surprise, urged by the honourable
 n the course of detailed addresses to your Lord-
 when it would not have become me, with the
 to them and to your Lordships, to have inter-
 ontradicted the assertion by that positive denial
 s enabled to make of it, that the delay by which
 —I will not say, by any blame of any one—spun
 o this burdensome and unprecedented length was,
 ree, owing to us, the advocates of Mr. Hastings.

as we are now but entering upon the defence
 tings, that delay, as far as it is even colourably
 to us, can only have been occasioned by our
 o the adduction of that evidence which our reason
 ent taught us was improper to be received ; and
 ng we have received, in many instances, the con-
 f your Lordships. My Lords, upon this subject
 your Lordships, as my witnesses as well as my
 ther, in instances to the number of twenty out of
 e, in which questions respecting the competency

Their objec-
 tions to evi-
 dence sup-
 ported by
 the court.

tervened two reigns between Akhbar and Aurungzebe 14 FEB. 1722.
 the reigns of Jehan Ghyr and Shah Jehan. Jehan Commotions
 Ghyr had civil wars in his time : the eldest son cut off during
 his successor : and a continual state of commotion and reign of
 war. In the reign of Shah Jehan, towards the close of it, Jehan
 and when he was too feeble to grasp his sceptre any Ghyr and
 longer, there were four sons in the field with all India Shah Jehan.
 and battled with them, contending for that sceptre he was no
 longer able to grasp ; and he had the misery to live to have
 wrested from him at last by the most wicked, miserable
 and subtle, of those sons, who waded to the throne through
 the blood of his three other worthier, contending, brethren.

Now, in the reign of Aurungzebe, a prince of great talents, Absence of
 which endured for forty years, one would conceive some- law and
 thing of a system of law, the institution of something that order.
 would give security to property, peace and happiness to man-
 kind. Not a trace of it ! Your Lordships will recollect, the
 proposition of the honourable Manager was, that neither in
 India or elsewhere did there exist such a thing as arbitrary
 power. Now I will show that, during the whole of the period Exercise of
 of the government of Aurungzebe and Akhbar, there existed arbitrary
 nothing else ! And, that I may not be misunderstood, I will power.
 state what I mean by despotism and arbitrary power. I
 mean a situation in which the government entirely depends
 upon the discretion of the sovereign for the time being ; in
 which there exists no barriers between the subject and the
 sovereign, for the purpose of defining the rights of the one
 or limiting the power of the other. That I state to have
 seen the condition of that country, which it seems is cursed
 by being taken under the administration of the British
 nation. I confine myself to the best period of that history.
 My extracts are from towards the middle of the reign of
 Akhbar down to the close of the reign of Aurungzebe.

The first authority I shall trouble your Lordships with is Extract
 from the travels of Mr. Terry, who went out as chaplain to from Terry's
 Sir Thomas Roe, who went as ambassador to Jehan Ghyr, Travels.
 and resided in the country for some time. Mr. Terry,
 speaking of the government of that country, states it thus—

“ It is that, indeed, which is the worst of all governments, called by
 Aristotle, despotic, arbitrary, illimited, tyrannical, such as a most severe
 master useth to servants, not that which a good king administereth to
 subjects ; which makes it very uncomfortable to those that live as subjects
 were under the command of others, taller than themselves by their
 word's length, or so to be fixed in any part of the world, where no
 arms resist the sword, but that it acteth what it lists.

ion, and being absolute master of all the territories whence he receives ^{14 Feb. 1702.} his revenues. For in the territories of this prince the great lords are not the royal receivers, who give an account of the king's revenues to the governors of the provinces, and they to the chief treasurers and comptrollers of the exchequer.*

Bernier, an historian of unquestionable credit, says,—

Extract
from Bernier.

"All the lands of the kingdom being of the emperor's property are given [as pensions, under the name of jagirs, to his military followers], &c."†

Catrou, who is a translator of Manouchi, who resided forty-eight years in Hindustan, and, of course, had as good an opportunity of acquiring a knowledge of the nature of the government there—more indeed than—any other person could have, says,—

From
Catrou.

"[Tis known that the extent of the imperial demesnes is equal to that of the territories of the empire. The Mogol is the only proprietor of all the real estates in his dominions, and only heir to his subjects.]"‡

He says afterwards,—

"[We have little to say as to the kind of government and policy established by the Mogols in the Indies. Certainly nothing can be more simple than the springs by which this great machine is set in motion. The emperor alone is the soul of it. His jurisdiction being as entire as his demesnes, the whole authority resides in his person alone, and, properly speaking, there is only one master in Indostan. All the rest are rather to be looked on as slaves than subjects.]"§

Ogilby states that,—

From Ogilby's "Asia."

"All the ground and land of the whole country is the king's own, so that no man possesses a foot of land but through his favor. The king gives to each of his commanders and grandees that are in his country certain lands, [lordships and revenues, for which they are obliged (excepting only one third, which is the king's) to maintain a certain number of soldiers, as well in time of peace as war, as also some elephants, horses, camels, and leopards.

"When a nobleman dies, all his goods, not only what was given him by the king, but also what he purchased himself, falls to the Mogul, who commonly leaves his widow the horses and household stuff, and gives to the children some place of note; for, if a father commanded over a thousand horse, he will make the son commander over fifteen

* Tavernier's "Travels in India," book ii., chap. 1.—Printed in English, in the "Collection of Travels thro' Turkey into Persia;" folio, 2 vols., 1684.

† A long extract was here introduced from the "Lettre de l'Etendue de l'Hindoustan," etc., appended to the second volume of the "Evenemens particuliers, ou ce qui s'est passé de plus considérable après la Guerre cependant cinq ans, dans les Etats du Grand Mogol," par F. Bernier, 1670, p. 255.

‡ "The General History of the Mogol Empire," extracted from the "Memoirs of M. Manouchi," a Venetian, by F. E. Catrou; 8vo., London, 1709, p. 348.

§ Ibid., p. 360.

to perform the other necessary calls of nature. Hircarrahs were also employed to discover if any of the mohisseels were bribed to allow them even a drop of water, and they were sometimes kept in this manner so many days as to be brought to the point of death, and reduced to skin and bone. If their servants brought them any sustenance, with the connivance of the mohisseels, if discovered, they were seized by the hircarrahs and severely punished. To these severities were added the melties of Nazir Ahmed. He used to suspend the zemindars by the sole, and after rubbing the soles of their feet with a hard brick, satinado them with a switch. In the winter he would order them to be stripped naked and sprinkled with water. And he also used to have men flogged till they consented to pay the money.

“Moorsshed Kuly Khan employed none but Bengally Hindoos in the collection of the revenues, because they are most easily compelled by punishment to discover their malpractices; and nothing is to be apprehended from their pusillanimity. When he discovered that an aumil zemindar had dissipated the revenues, and then, falling in balance, is unable to make good the deficiency, he compelled the offender, his wife and children, to turn Mahometans.”*

My Lords, I will not pursue these details any further, but I will use the language of a most eloquent and able writer, when he says,—

“I find myself unable to manage them with decorum. These details are of a species of horror so nauseous and disgusting, so degrading to the sufferer and to the hearer, so humiliating to human nature itself, that, on better thoughts, I find it more advisable to throw a veil over this hideous object, and to leave it to your own conceptions.”

I have stated what was the actual condition of this country under Jaffier Khan; in what manner he administered the revenue. The whole of his character is summed up in a rigid exaction of the revenue, in a merciless and undistinguishing punishment upon all offenders, and a zealous, persecuting, attachment to the faith of Mohammed.

Character of Jaffier Khan.

You shall now have the terms in which the character of his man, the author of so much misery and unhappiness to the persons who lived under his rule, is summed up by the person whose narrative Gladwin has translated. He says,—

“Since the time of Shayisteh Khan, there has not appeared in Bengal, or indeed in any part of Hindostan, [an aumeer who could be compared with Jaffer Khan for zeal in the propagation of the faith; for wisdom in the establishment of laws and regulations; for munificence and liberality in the encouragement and support given to men of family and eminence; or rigid and impartial justice in redressing wrongs and punishing offenders; in short, whose whole administration so much tended to the benefit of mankind, and the glory of the Creator.”]†

* “A Narrative of the Transactions in Bengal,” etc.—Translated from the original Persian by Thomas Gladwin, Esq.; Calcutta, 8vo., 1788, p. 59.

† Ibid., p. 109.

1 a short time Calcutta became] an extensive and populous 14 FEB. 1792.

ese peaceable and inoffensive acts did the servants
Company first lay the foundation of their political
s. But the more full and perfect establishment of
pany was obtained afterwards, by a grant from the

Grant from
the Emperor
Farouksiar.

Farouksir, which was obtained for us by the sin-
interestedness of an English gentleman, of the name
lton, who was a surgeon at the factory of Calcutta.
had the good fortune to save the life of that Emperor,
s then afflicted with a dangerous disorder, the
granted him liberty to ask what he would, and pro-
n the performance of his wish. With a liberal and
sted patriotism, he asked for the Company that
under which they enjoyed the right of free trade,
ey exercised in India continually, up to the time of
uiring the diwani.

igzebe was succeeded by his son, Behadar Shah. Succession
did not sent himself quietly upon the throne of his
or he was obliged to contend for the empire with two
; with the only one of whom who had any probable
contending for the empire he with great generosity
o share it, for the purpose of saving the effusion of
lood. He had the virtue to weep over the head of
ther, when presented to him in triumph. He forbade
ch of victory to be beaten or the songs of triumph to
ded. My Lords, this prince was too worthy to reign
that country. He was taken off, in, I believe, the
of four or five years, by poison, and left the Eastern
to be fought for by four sovereigns, all of them suc-
y the puppets set up and played off against one
by a monster of iniquity, Zuffelik Khan—Amilen
he is sometimes called—and, at last, he reserved the
orthless of them all as the fittest tool for his purposes.

Succession
of Behadar
Shah.

Prince was Jehander Shah, who degraded the throne
hi with brutish and low vices, and let in the view
nkind upon pleasures and disorders which all the
Recent descendants of Timur had hitherto secluded
out out from the view of mankind. This mon-
hibited in the streets of Delhi scenes that were fit
times of Heliogabalus and Caracalla. The world
ew sick of this monster and his protector. Two other

Jehander
Shah's
cruelties

* Gladwin's "Government of Bengal," p. 88.

confined within very narrow limits, occupying at the largest extent only the kingdom of Bijapoor, had extended themselves greatly along the western coast of India from Goa to Surat. This extent they attained in the reign of one who is called their founder, Sevaji. Sevaji, the founder of this Mahratta empire, died but in 1680.

I should apprise your Lordships that, in stating somewhat of this, I wish to encounter an argument which was adduced by the honourable Managers, and has often been urged, that it supplanted some old, established, prescriptive, form of government in that quarter of the globe. No such thing! Every government with which we were united, or with which we clashed, was itself a crude supersession of some form of government, itself not a very ancient usurpation upon the preceding. The founder of the Mahratta government died in 1680, in the reign of Aurungzebe. The last effective ruler of this house died in 1740. So that, between the death of the first founder of that empire and the last, there passed but an interval of sixty years.

Towards the close of the reign of Sevaji, when he became firm and unequal to the offices of government, two officers, the Peshwa and the [Pirti Nidhi], appropriated to themselves very considerable parts of his dominions, and acquired to themselves by encroachment a very considerable part of the dominions of their neighbours. The Peshwa was able to transmit, in hereditary succession, his own authority in the country about Poonah. He transmitted his own acquired and usurped power to his descendants; and in that way an authority only acquired in the year 1740, but sixteen years older than the English power in India, is the most ancient; for the Mahratta is the most ancient of all the powers that claim empire in that quarter of the globe. The Buxar Raja with several other chiefs of the Mahratta nations, descending from the mountains with vast and irresistible bodies of cavalry, appropriated to themselves large proportions of the territories [of the Mogul, and established themselves in] the north and north-eastern countries of [the empire]. This was all about the period of the year 1740. The consolidated empire, if I may so call it, of the Mahrattas was dissolved, and several subsequent states rose upon its ruins about the same period.

Enlargement of the Mahratta empire.

Dissolution of the Mahratta empire.

After the shock of Nadir Shah, the subahdar of Oude set up for himself, and transmitted an hereditary dominion to his son-in-law, Sufdar Jung, and from him to Suja-ud-Dowla

Establishment of governments of Oude, Arcot, &c.

been inflamed by exorbitant accounts given of the wealth of ^{14 FEB. 1792.} the British nation and of the merchants at Calcutta, [endeavoured by Suraj-ul-Dowla.] to exterminate the British force in India. I know some accounts have been given of some supposed means of offence, namely, the protection that was extended to an obnoxious subject, of the name of Kissindass. This and other such like grounds have been urged as exciting the attack, in the year 1756, upon the British settlement. But they can furnish no excuse for that wanton and cruel aggression, inasmuch as every privilege and immunity of the British nation was laid at his feet before the period when he thought proper to set out upon the cruel business of the extermination. Mr. Watts added to him the farman of Farouksir; and the English, at the time he chose to attack Calcutta, were perfectly an unprivileged, unprotected, race, and had no other claims than upon his mercy and clemency. If they had claims upon his hand and them in stead. He took that town, and, though I will not impute to him as blame all the cruelties which happened upon that capture—though I will not charge him with immuring the members of that factory in a place inadequate to sustain them—the place popularly known by the name of the “Black hole”—though I will not impute to him that intention, yet he heard the news of their dreadful fate with indifference; he did not mitigate the sufferings of the survivors, but enhanced them by every cruelty in his power. He drove them from Calcutta, to take refuge on board the King’s ships lying at [Fulta]. There, amidst pestilential damps, diseases, want and filth of every kind, they drew out a miserable existence, envying the happier fate of their countrymen, who had expired a few months before in the prison I have been mentioning. There were the wretched remains of this colony of the English subdued by Colonel Clive and Admiral Watson, upon their arrival, in December, 1756. What they did in arms, my Lords, was an act of self-defence, and absolutely necessary to their own preservation from the extermination that was meditated, and of which intention they had had such pregnant and such painful proofs. They did what became them upon that occasion. They received a reinforcement of that strength and of that skill which enabled them, having English hearts in their bosoms, to meet the multitudes that opposed them. In that struggle of self-defence they achieved, without having it for their object, that empire that we have at this moment.

Cruelties
committed
by him.

Subsequent
successes of
the English,
under Clive.

Colonel Clive to continue that form of government, 14 FEB. 1792.
 which had obtained in the country, to which their prejudices
 in some measure attached. At least, he thought it not
 immediately to assert, on the part of the Company and
 British nation, a claim to empire, as immediately acquired
 by their own sword. He, therefore, determined upon sus-
 taining, in the person of Mir Jaffier, the country govern-
 ment, as it had been administered in the time of Suja-ud-
 dula and the antecedent [princes]. The event of that day,
 the battle of Plassey, was such as reflected eternal honour
 on our arms; and, for all real purposes of dominion,
 was actually vested in the British nation the government of
 the country; making us responsible for it to all other powers,
 considering us as at the head of it, and obliging us to
 be under our charge and protection the interest of that
 people whom we chose to set upon the musnud.
 The treaty made at that time with Mir Jaffier certainly
 did not sufficiently provide for the British interests. There
 I think, a large sum allowed to the Company, as an
 compensation for their expenses, and Mir Jaffier engaged
 to be at the charge of the maintenance of all the troops while
 in the field; but, except they were in the field, this treaty
 made no provision, and, therefore, as Mir Jaffier wanted to
 have everything that was burdensome, it was not his
 interest to call the troops into the field, but to saddle
 the Company with the constant maintenance of the force
 which they must necessarily keep up for their mutual pre-
 tection; he contributing as little as he possibly could to
 be und necessary for the maintenance of that force. His
 conduct with respect to that—his treacherous conduct in
 negotiating with the Dutch—for he began a negotiation
 with them for the introduction of their power from Batavia,
 for the purpose of a sort of counterpoise to the power of the
 Shah—his negotiations with the Shah Zada, the eldest son
 of the Emperor, then hanging with a considerable force
 in the skirts of the province of Behar—all were of a
 nature extremely inimical to the interests of Great Britain:
 more than all, his improvident expenses, which disabled
 him by his negligence, which made him indifferent, to supply
 the British forces in the field, brought on a crisis in our
 affairs, in which it became necessary to consider whether
 a large proportion of power which had been entrusted
 to Mir Jaffier, with a view certainly, in the persons who

Treaty ar-
 ranged with
 Mir Jaffier.

His treach-
 erous
 conduct.

give him so much pleasure." These are, I believe, correctly 14 FEB. 1702.
the terms in which what I was observing upon was stated.

Now is that historically true? There are many gentlemen in this country who were in the camp of Miran on the night of his death, who remember that, so far from its being a fight when there was no alarm or menace in the heavens, it was a night of the most tempestuous horror that, in all the time that they were in India, where scenes of that sort are more frequent than in this more temperate climate, they ever remembered. I have endeavoured to find whether there be any kind of suggestion or hint, near or more remote, that could have raised the suspicion which seems to have tainted the honourable mind of the right honourable Manager. I am sure it must be somewhere, because he has a mind that would not cherish such kind of suspicions without cause.

Account of
the event
by Seid
Gholam
Hussain
Khan.

My Lords, I can find it nowhere! But I do find a single historical account of the accident, in a work which has been but lately translated and published, and of which I have a better translation than that in print—the work of Seid Gholam] Hussain Khan. He is a writer of no mean description nor meanly descended; he is himself a considerable jagirdar, a gentleman of great respect for decency of manners and character, very well known, I believe, to a great number of persons in this country, and, what is more, he had the means of knowing the fact which he relates, for his father was the minister of the Shah Zada at the time the Shah Zada was in the field against us, and at the time Miran was killed by lightning. I will read to your lordships the way in which he states it—and you will see that he is a great believer in predestination.

"As it was the commencement of the rains, and the intention of the Creator of all things was bent on vengeance for the deeds of Miran"—

Probably he points to the story of Miran having killed Suraj-ud-Dowla; for there is a popular tradition, I do not know whether founded or no, that he occasioned immediately the death of Suraj-ud-Dowla, for fear his father, who was more merciful, might have leaned to compassion and saved his life after the battle of [Plassey].

["The rainy season had set in with its usual fury; and, at the beginning of the night there fell such a violent storm of rain as obscured the world from Miran and his flatterers, and turned the luminous days of his life and prosperity into utter darkness and everlasting obscurity. It was now ten o'clock at night; but, the rain continuing with unremitting violence, he had already dismissed two or three of his favourites, such as

It was not the interest—and measure it by that—of Colonel Caillaud—God forbid that such a suspicion should for a moment glance at him, even hypothetically as I state—but it was not the interest of him or the British nation that Miran should be taken off. For, so much attached to him were the people under him, that it was absolutely necessary to march his palanquin, seven days together, at the head of his troops, to avoid mutiny, and to march them from the enemy against which they were advancing.

There is another story, somewhat similar, that occurs about the same period, which the honourable Manager related to your Lordships, and of which, therefore, I conceive that I am at liberty to give the fair counter-representation. It is called the story of the Three Seals;* in which Colonel Caillaud was attempted to be implicated and, through him, Mr. Hastings, who was at that time attending Mir Jaffier, employed at the Durbar, on the part of the East India Company. The story as related is this:—

At that time, the Shah Zada, as I stated, was in arms and near us. Mir Jaffier, apprehensive from some correspondence which either had been carried on, or was conceived to have been carried on, between Mr. Holwell, the temporary Governor, and the Shah Zada, in virtue of these suspicions, wished to make a trial of the good faith of Colonel Caillaud, and to know to what extent, if to any, he was implicated in any such proceedings or conspiracy. He therefore induced [Chuckan], a man who is stated to have been of very infamous character, to fabricate this story of this letter. He produces a letter as if coming from a person of the name of Conderoy, who was the servant of Camgar Khan, a person of principal trust about the Shah Zada. In this letter, he is supposed to state that he will deliver up the person of the Shah Zada, alive or dead, upon receiving an assurance from the Nawab, countersigned, I believe it was to be, on the part of the English, for the payment of a lac of rupees, for achieving this mischief.

Colonel Caillaud, knowing perfectly, as everybody did, when it was produced, through the medium through which it was produced, that it was a mean and shallow contrivance of the Nawab—conceiving it to be, what it was, a mere experimental fiction—did put his name to this paper, and everybody gave Colonel Caillaud credit for the integrity of

The story of the three Seals.

Pretended scheme proposed to Col. Caillaud for seizing the Shah Zada.

Assented to by Col. Caillaud.

that which had been incidentally mentioned respecting the presence of Mr. Hastings was entirely unfounded, then did Mr. Hastings take his seat as one of that Council to form the inquiry.

If it had rested there, and there had been no further inquiry, the honourable Manager would have had better warrant for his suspicion; but the Company instituted, upon the subject of Colonel Caillaud, a further inquiry; and upon that inquiry acquitted, in the fullest and most extensive manner, Colonel Caillaud of any blamable motive whatever, as a testimony of their approbation, applied to his Majesty to confer a mark of distinction upon him, in order to allay the wound drawn upon him by this improvident inquiry. His Majesty was pleased to confer the rank of Brigadier-General. And there, I believe, the subject was closed, and no human creature had a thought of resorting to it again, till, something occurring concerning it in the inquiries of the Committee of the House of Commons, it fell under the observation of one of the honourable Managers, who directly asserted that this was "a mock trial and a massive acquittal." These are the words the honourable manager applied to this transaction.

This matter, it seems, bears no very near reference to anything before your Lordships, but, inasmuch as it has been asserted—or rather insinuated; for the honourable manager certainly, from the evidence before him, could not like upon him to assert it as a fact—but, he having insinuated it, it became me to repel the insinuation, and to restore it to its original nothingness.

About this period, the vices of Mir Jaffier's government had become so great—such was his insolvency, such the unpaid condition of our troops—that it was necessary for Mr. Vansittart, then recently arrived from England, to take some effective measures for the purpose of putting the Company's affairs, and the government which Mir Jaffier immediately administered, into a situation of security. It was necessary to devolve a considerable portion of authority, which had been before committed to Mir Jaffier, upon the shoulders of some abler and fitter person. It was difficult to select such person from the household immediately of Mir Jaffier—indeed it was not possible to do it. He had three sons, who have, indeed, all of them, successively, sat upon the musnud, but they were none of them of sufficiently adult age. It was necessary for them to look about for a person

14 FEB. 1792.

Acquittal of
Colonel Caillaud.

The circumstance unconnected with any of the charges.

Misgovernment by Mir Jaffier.

Reasons for committing the administration of the province to Cossim Ali Khan.

rights claimed; and, as I humbly conceive, at this distance of time, one may discuss the subject without prejudice, and with a sobriety of judgment which a remoteness from the period gives one. Claims were set up, on the part of British subjects in India, not warranted by the terms of that farman under which they claimed. That was the principle subject of the difference between Cossim Ali and the servants of the Company. The terms of the pharman conveyed to the English right of free export and import of goods, for the purpose of the Company's trade, by shipping. It did not convey to them—for your Lordships will recollect the period of time when this was granted: it was the time when the Company managed the trade by the intervention of a few agents resident at Calcutta—it was a distortion of the terms of the treaty to apply it to the situation in which we then stood in India, and to the privilege, not only of export and import trade, of which there was then no dispute, but to the privilege of all the internal trade in the articles of the growth and consumption of the country. But that of salt was the principal subject of difference between them. The Company contended that their dastak was sufficient to pass the goods of the English, duty free, without any dastak from the officers of the government of that country.

14 Feb. 1792.
Causes of
dispute with
the English.

Now, in all the disputes that have obtained, from the beginning of our settlement in India up to the present time, I do not find any one in which the English nation has been so palpably wrong as they were in that dispute with this most atrocious tyrant, and for whom, therefore, hardly any one has ever opened a mouth to offer one syllable of vindication. The latter acts of his government cannot be vindicated: they violate every right of nature and of nations: not a word can be said for him. But, in the origin of the dispute upon this subject respecting the English dastak, I humbly conceive that those gentlemen, who, with Mr. Vansittart, upon that occasion, were for narrowing the use of it merely to the Company's trade, leaving the other trade which the servants of the Company should carry on liable to visitation and control, certainly contended for that sense of the farman which is the fair construction it bears. However, the dispute respecting this subject grew to considerable warmth.

It is to the credit of Mr. Hastings—and here almost begins his political life; he was deputed to settle certain disputes which had taken place between the gentleman then at the

Endeavours
of Mr. Hast-
ings to ar-
range the

is withdrawing an order which at that time he had published, namely, that all duties should be taken off the commodities of his country, and that there should be a trade in his country duty free; a measure to which he was driven by the pertinacity of the English Company, who insisted that their goods should be exempt from all duty, they being a sort of imperial trader; and, by the sale of that privilege to others, they virtually monopolised the whole trade in Cossim Ali's country. It seemed there was no other way of obviating it than by levelling at one blow all the duties whatever, and letting in all mankind to an equal participation in the benefits of his commerce. It had the effect immediately introducing, as it naturally would, a prodigious flow of commerce into his country—a great quantity of goods from other countries; and was likely, considered only with a view to his own country, to be a measure protective of great advantage to him. But it was a measure destructive of the English immunities, claimed in that warrantable extent to which, I conceive, they were at that period claimed, that the gentlemen of the Council peremptorily insisted with the Nawab that he should set up again these duties, in order that they might enjoy again their old immunities; and, for the purpose of so insisting, the two gentlemen whose names I mentioned were sent as ambassadors to the Nawab.

14 FEB. 1702.

order for
abolishing
all duties on
goods within
his kingdom.

While they were in the discharge of this embassy, some boats with arms being seized by the Nawab, and a rash attempt to seize some [deserters] by Mr. Ellis, brought things to a crisis, in which the English arms and the arms of the Nawab were opposed to each other. But, before Mr. Ellis had retired from the discharge of his embassy, he was cruelly massacred in cold blood by the orders of Cossim Ali. From that moment no terms were kept or were to be kept with Cossim Ali. All the divided members of the Council were instantly united against that person who had commenced his career of self redress—I will call it—by an act of such atrocity, and a violation of every law of nature and of nations.

Conflict with
Mir Cossim's
troops.

Murder of
Mr. Ellis.

Mr. Hastings, who had uniformly opposed these demands, being founded as it appeared to him in injustice, at this moment felt that the cause of his country required him to abandon the further protection of Cossim Ali—of a person who seemed to have forgotten every principle of justice. He had intended, when the war broke out which he saw was

Abandon-
ment of
Cossim Ali's
cause by
Mr. Hast-
ings.

upon that sort of subject. The conduct of Cossim Ali 14 FEB. 1792
 was to be dictated by a degree of gratitude towards a
 man who had, in the course of his intercourse with him,
 treated him, as he has done every person in power in that
 country with whom it was his lot to act—with the utmost
 conciliation and respect. Letters directing respect to the
 nobles or persons are the letters upon which the Managers
 rely, as imputing a corrupt communication with Cossim Ali.
 Your Lordships see how readily he enlisted himself in that
 public cause—when it became one; how sturdily and man-
 fully he continued in it, till, by the flight of Cossim Ali,
 the Company's ascendancy was completely established].
 That war did not last a long time. The talents of Major
 Hume, aided by Colonel Carnac and Colonel Munro, soon
 drove Cossim Ali from the provinces, and obliged him to
 take shelter with Suja-ud-Dowla. And afterwards, when that
 prince was defeated at the battle of Buxar, when he was
 obliged to entertain a meaner opinion of his own prowess
 than that of his troops than he had heretofore had, when
 Cossim Ali was obliged to take shelter under the wing
 of some stronger power or in some place more remote
 from the British vengeance, at that time, Suja-ud-Dowla, per-
 ceiving his country overrun by British forces, perceiving his
 ally, Bulwant Sing, in arms in the field, transferring those
 arms to his adversary, and when he saw by imperial sanads
 the province of Benares transferred to the British Company
 at that moment, Suja-ud-Dowla thought that the British
 would, though they would not forgive aggressions such as
 Cossim Ali had been guilty of, yet that they would forgive
 a person opposed to them in open war, trusting to their
 generosity, humanity and clemency. Perhaps I accelerate
 the topic; I am not quite certain whether it happened
 before Mr. Hastings' departure from India. I think it did
 happen just before the period of his departure. I will there-
 fore for the present only mention this—that Mr. Hastings,
 having taken no indecisive part in the troubles that had
 recently exercised that Government, it is to the credit of
 his manliness that he made no enemies upon the occasion;
 it is to the credit of his moderation that, in a situation in
 which such large sums were accumulated, in the shape of
 presents made at the time by Mir Jaffier to the gentlemen
 instrumental in raising him to the musnud—a matter which
 shall neither praise nor blame; because there does seem to
 be a considerable degree of allowance to be made for those

War with
Cossim Ali.

His over-
throw.

Mr. Hast-
ings' con-
duct.

Credit due
to him for
not having
received
money from
Mir Jaffier.

Dowla; that Suja-ud-Dowla, after the battle of Buxar, had recourse to the British generosity and clemency for his protection. 14 FEB. 1793.

The English, as called upon by every principle of policy, proscribed Cossim Ali, who massacred a great number of British subjects, who had, upon the faith of treaty, put themselves into his hands. That outrage was never, upon Massacre of Englishmen by Cossim Ali.

every principle of reason and policy, to be forgiven. It is the policy of this country that the person of every British subject in that country should be held sacred. Consider by Necessity for punishing the outrage.

that a handful of men—a few adventurous travellers from an unknown and distant land—are the people of that country controlled and governed. To suffer one unpunished instance of such outrageous insult to the British name and British feelings, would be to dissolve that potent charm, made up of admiration and fear, and superstition, by which the eastern world is fascinated and subdued into an acquiescence in the dominion of these bold and adventurous travellers from a distant country. If that charm is once dissolved, if they can be once brought to believe that the standard of revolt could be reared with success against the British dominion, at that moment our dominion in that country is at an end. The same reason that dictated it, as a measure of persevering policy, to proscribe him, in every treaty with every power in India, made it necessary to preclude from the return into his dominions the zamindar of Benares, after he had, with too formidable effect, reared the standard of revolt and rebellion against his bestowing, generous and protecting, masters. Proscription of the zamindar of Benares.

I have stated that Suja-ud-Dowla, feeling himself humbled in power, had recourse to the British generosity and clemency for protection; and that, in the hope he reposed in that generosity and clemency, he was not disappointed. Colonel Barnac opened the way, and it followed afterwards, upon the arrival of Lord Clive, to that sort of treatment of Suja-ud-Dowla which has, I conceive, reflected the highest lustre upon the generosity and policy of the British Company. This letter is dated the 22d of May, 1765.* Clemency towards Suja-ud-Dowla.

* Hearing that Sujah Dowlah was drawing near, I sent Captain Swinton with Rajah Shitabroy to meet him. He arrived in the evening, on the opposite side of the river, and immediately crossed it with his brother-in-law Salar Jung, and a very few followers, in order to wait upon me. I Letter of Colonel Carnac.

mean Bulwant Sing, who, being in Suja-ud-Dowla's army 14 FEB. 1792.
[th] troops, withdrew that assistance from him, and, though
did not actively transfer it to the English—for no such
obligations we can acknowledge to him—yet he crippled
and weakened his master's force, by the doubt he infused
to his mind whether that force would act for or against
him.

Bulwant Sing, for services of the complexion I have
stated, was thought proper to be comprehended in the
treaty. Bulwant Sing had done us no effective service. He
had come to our camp, and, in a moment when he thought
unsafe to remain there, had fled from it; and he had come
back, upon the faith of promises which our Government
at Calcutta, in regret, declared they wished had never
been made. That man, however, it was thought fit to
include in this treaty of Allahabad. And what was secured
to him by it? Why, that he should be continued to be the
master of Suja-ud-Dowla, as he had heretofore been of the
East India Company. When I say he had been heretofore
of the English Company, I am adverting to the moment
when we had obtained by imperial sanad a grant of the
venues of Benares: and in that he was confirmed, and no
more—a renter under Suja-ud-Dowla. What the duties
are this man owed at that period he has, I think, shown,
for he was in the field with troops; and, though he used those
troops against his master, which is a proof of his treachery,
it is at the same time an argument of the sort of subordina-
tion in which he stood to that master and the duty he owed
that sovereign.

Bulwant Sing was included in this treaty. Fifty lacs
are to be paid as the expenses of the war. Of this
sum, twenty were soon after paid by a contribution from
Bulwant Sing, thus restored under the dominion of his old
master, and owing that former master, in virtue of his sove-
reignty, a contribution, according to his exigencies, in time
of war. I have stated that the treaty was made with
Suja-ud-Dowla and his heirs. This is a treaty of the sort
which, according to the law of nations, are considered as
real treaties, as distinguished from personal treaties, the
obligation to which expires with the persons contracting. It
is a treaty, therefore, which intitled Suja-ud-Dowla and
his successors in the government of Oude to take full benefit
of every stipulation made in that treaty with Suja-ud-Dowla

Confirmed
as renter of
Benares to
Suja-ud-
Dowla.

Contribu-
tion of
twenty lacs
from Bul-
want Sing
to Suja-ud-
Dowla.

The treaty
available for
Bulwant
Sing's heirs.

a whom that trust could be fitly reposed. Mohammed Reza Khan was selected for the extent of his talents, his great acquaintance with financial matters, and his great fitness for his eminent station in which he was placed. There were placed with him Raja Dulub Ram, from some effectual maintenance given us at a previous period, and Juggut Singh, of an unfortunate and eminent house in India, was selected, from a recollection of the sufferings his family had undergone from the ravages of the country by Suffdar Jung. But the superiority of Mohammed Reza Khan was such that the whole power had settled and subsided in his hands. I will not trouble your Lordships by pausing very long upon the incidents which occurred at that interval, between the acquisition of the diwani and the arrival of Mr. Hastings in India. He had been appointed, I stated, in 1771; and actually took possession of the government about April, 1772. In that period of time, the fortune of the Company and the prosperous situation of its affairs had, from various causes, become desperate. In a time of profound peace, the revenues of that country had become inadequate to defray the expenses of our civil and military establishments and the expenses of our investment; nay, more, we had contracted debt to the amount of one kror twenty-five lacs of rupees—funded debt, which was hourly increasing by the accumulation of interest upon the principal. We had drawn upon Europe bills to the amount of considerably more than a million. Every department of the state finance, civil and military, was getting out of joint; and, indeed, there wanted a general system to arrange and regulate the whole. This system and, in short, all the remedies which the disorder of that time required were applied by the same hand by which the government of that country was, in other still more perilous moments, again sustained.

14 FEB. 1702.

Commencement of Mr. Hastings' government, 1772.

Derangement of the revenues.

Repaired by Mr. Hastings.

In addition to the difficulties of that period, the Company's provinces were drained of their circulating specie by the emission and payment of the brigade in Allahabad, beyond the provinces. By the treaty of Allahabad, a sum of twenty-five lacs a year was to be paid to Shah Alem, the Emperor. There were stationed beyond the provinces, in Allahabad, a large body of British forces, which, being there paid, operated as a reduction of so much more likewise of the floating, current, specie of Bengal. These two drains of specie out of the provinces, added to other embarrassments of the time, occasioned a situation of very peculiar difficulty. Insolvency,

h; but, in spite of the permitted cruelty of Mahommed Riza, 14 FEB. 1792.
 ' continued every year to decrease. It could not have happened
 ' wise, unless Heaven had wrought miracles] as a reward for our
 men." *

This is the statement and account given of Mohammed
 a Khan and his administration of the country. This is
 account given of the groans that were heard and lashes
 icted in the streets of Moorshedabad. These instances
 n the strongest claim upon the public mind, to guard
 lf against that credulity that listens to tales of woe.
 ould your Lordships believe that not one word of this is
 e? It is a lie of hell! Not one tittle could be brought

Prosecution
 of Moham-
 med Reza
 Khan.

apply to Mohammed Reza Khan. Mohammed Reza
 an was prosecuted, under circumstances which disabled
 a from looking for any favour from the Company or
 tection of their servants; for, upon this publication and a
 ter privately sent home to Mr. Gregory, then in the
 rection, intimating that he had a concern in the purchasing
 in and occasioning the misery of famine the preceeding year,

Directors communicate this letter to their servants, and
 private letter to Mr. Hastings, dated August, 1771, they
 mit this letter to his confidential care and management.
 d now I come to this letter, which is the foundation of
 . Hastings' employment of Nundcomar. It was in
 dience merely to the orders of the Company, and not a
 ction for corrupt purposes, as your Lordships may have
 n taught to believe.

Letter of the
 Directors to
 Mr. Hast-
 ings, order-
 ing proceed-
 ings against
 Mohammed
 Reza Khan.

These are the orders of the Company, founded upon a
 resentation, that had been received in this letter, of his
 ticipation in the monopoly of grain which had occasioned
 mine before and the sort of calamities which had been
 resented, which induced the Company to order him to be
 rived of all authority in the country, and to be brought
 rn, himself, together with his whole family and all his
 endants—for to that extent did the order go prisoners, to
 cutta.

By our general address, you will be informed of the reasons that we
 s to be dissatisfied of the administration of Mahomet Reza Khan,
 will perceive the expediency of divesting him [of the rank and influ-
 ; he holds, as Naib Duan of the kingdom of Bengal. But, though
 have declared our resolution in this respect to our President and
 cil, yet, as the measures to be taken in consequence thereof might
 efeated by that minister, and all enquiry into his conduct rendered

"Inquiry into the State of Bengal," p. xcvi. ; prefixed to vol. iii. of Dow's
 istory of Hindostan."

has been cast upon Mr. Hastings, as if he had
 14 FEB. 1792.
 elected this man as his agent, and only thrown
 e and discredit upon him at the time when he
 as his accuser. My Lords, this man, at the
 r Jaffier was restored to the musnud, struggled
 pointed to the situation of prime minister to
 out, so jealous were the English then of the
 of Nundcomar—so fully apprised of the mis-
 Refusal of
 the English
 to appoint
 him mini-
 ster to Mir
 Jaffier.
 aracter—that the several minutes entered upon
 detail them; and Mr. Vansittart announces to
 his despair of being able to break off the
 ted Nawab, Mir Jaffier, from the pertinacity
 : clung to Nundcomar. There were several
 red about the period of July, 1763, at the
 ab had expressed his wish to have Nundcomar
 minister. Mr. Hastings, among the rest, was
 th the President, with regard to Nundcomar's
 ; he was a person very unfit to be trusted in
 ion. Mr. Vansittart, in his letter home, an-
 us a particular danger that pressed upon his
 at threatened the security of the Nawab's
 ays,—

y duty to acquaint you, at the same time, with what
 sur to me on the present state of the country.
 ng again in possession of the government, it is my
 be supported in it as long as he lives. This was
 efore, but I found it impossible; and now again,
 precautions are not taken, I am apprehensive that
 find yourselves under the same difficulties. The
 ty for business is universally acknowledged. He should
 se up for that deficiency by appointing men of experience
 manage the different branches; but he seems rather to
 himself into the hands of those who flatter his weakness,
 age of it. We are assured that Nundcomar has, at
 tire disposal of the Nabob's will, and of all the affairs
 of which the consequence will be that we shall con-
 ed and perplexed with his arts and intrigues. We shall
 emes of the King and the Marattas, and all the chiefs
 ad what weight and interest he has with them. We
 to keep a large army constantly in the field to guard the
 : designs which never existed, by which our military
 orsh the most part of our revenues, and the Nabob will
 travagant dissipation of his money to foreign powers. to
 of his minister, and at length, being unable to fulfil his
 l pay his own troops, will fall again to ruin."*

: Vansittart, Governor, to the Council of Bengal, 19 De-
 cember, in the "Narrative of Transactions in Bengal," by
 vol. iii., p. 416.

I beg to add, that, when I employed him as an agent of government, I might have other motives on which I relied than his integrity. I had other motives; but it was necessary for my own character to declare that I had given orders of my superiors to employ him." Your recollection of those secret, confidential, orders which I warranted to disclose, even to the Committee of Directors, who were acting with him, and that he was obliged to gloss on the character of this man, not avowing for his employing him at all. This was sent home to the Directors, who perfectly understood that, in giving a countenance to Nundcomar, he only gave him this countenance because it was their orders that he should do so in view to give him efficiency in a service in which they intended to employ him.

14 FEB. 1792.

Effect of the secret orders of the Directors to employ him.

Character of Nundcomar, as it was afterwards more fully developed, had not very imperfectly appeared, as I have shown early as in the year 1764. In the general letter sent home, dated the 22d of February, in that year, about the time of the letter of Mr. Vansittart, which I have in his own Narrative, there is this argument:—

he whole of your proceedings with respect to Nundcomar, it is to be no doubt of his endeavouring by forgery and false testimony to ruin Ram Churn; that he has been guilty of carrying on a correspondence with the county powers, hurtful to the Company's interests, and instrumental in conveying letters between the Sha-zadah and the Governor General of Pondicherry; in short, it appears he has a wicked and turbulent disposition that no harmony can subsist with him, where he has an opportunity of interfering.*

Ill opinion of Mohammed Reza Khan expressed by the Directors, in 1764.

It is much to be regretted that the India Company, entered upon this having reason to entertain this opinion of this man, should at any time afterwards think proper to put any man in the situation in which Mr. Hastings was placed, and that he should proceed to act with such a miscreant.

It might be thought it necessary to state this, in order to obviate any objection which might be made to the Commission which was given to a minute of the proceedings, in which, when acting under the secret orders known to his associates, he gives a gloss to the character of this man; but which the Company were not aware of, because they knew he had their own confi-

Gloss given to the Commission by Mohammed Reza Khan's character by Mr. Hastings.

er with those I have mentioned, one of the principal 14 FEB. 1792.
ments for the Parliament of Great Britain to appoint
the station of Governor General.

as necessary, before any arrangement was made of the
as, that there should be an inquiry into the nature of
da, and into the sufficiency of the zamindar, and his
to yield the sort of rent that was required of him.
Committee of Circuit was appointed for this purpose.
luminous reports of that Committee were the means
ling the servants afterwards, and Mr. Hastings imme-
to frame and communicate a system upon which we
cipally to the present hour.

Reports of
Committee
of Circuit.

Hastings first had it in contemplation, finding that
ere supervisors, to continue the same sort of officers,
the name of collectors. And that which he ultimately
I was, in the first instance, the means to which he
for the purpose of settling the revenues and bringing
to the seat of political government the seat of financial
ion—to make them both the same and bring them both
to Calcutta. That was the first plan; and, though he
ards deviated from that plan in the erection of pro-
Councils, yet it was with a view to obtain that
edge which might render that which was the primary
of his plan ultimately beneficial to be adopted. That
y not be understood to be stating at hazard that
astings had it in view to bring down the collections
revenue and the adjustments of accounts from Moor-
ad to Calcutta, and to make all financial collections
there, I will state a letter to your Lordships, in which
ounces such to have been his intention and the reso-
of the Committee of Circuit:—

First pur-
pose of Mr.
Hastings to
move the
collections
to Calcutta.

was unanimously resolved," he says, "to adopt the plan proposed
President and members of the Committee of Circuit at Cossim-
or removing the seat of the revenue business to the Presidency,
putting this important branch of your affairs under the immediate
ment of our Governor General and Council."^a

His letter on
the subject.

r, Mr. Hastings has been arraigned for the change of
in this respect—that he did adopt provincial Coun-
nd the crime alleged against him is, not that he adopted
aving first intimated an idea that the settlement of all
ies at Calcutta would have been better, but that, having

His adoption
of provincial
Councils,
and subse-
quent aboli-
tion of them

fact from General Letter of the President and Council of Calcutta to
ctors, 3d November, 1772.—Printed in the Sixth Report from the
tee of Secrecy, 1773.

which he wished to acquire, it became matter 14 FEB. 1792.
tion of that system which he ultimately adopted ;
7 alteration that has been made in it has been
of doubtful utility, and which, perhaps, had better
en made—I mean, by giving as its president, a
the Supreme Council, so that that which has
peculiar business of one has ceased to become
business of all. And, though that gentleman has,
discharged the office adequately, yet I conceive
e been better to have subjected the whole of the
hat Board to the inspection and controul of the
uncil at Calcutta. Nearly about this time, two
very considerable revenue, which had hitherto
e pockets of private individuals and had been
f very great emolument to them, were wrested
individuals by Mr. Hastings and appropriated
:—I mean, the revenues arising from salt and
ch at present—that of salt alone—in the years
790, netted this appropriate revenue—as far as
concerned, of his own sole creation—of no less
36 lacs of rupees. By this single act, a sum of
year—which is more than all the money that is
ve, for interest upon bond debt—more than all
that is paid by the Company in the shape of
urope—was, by this single act of Mr. Hastings,
he accumulations of individuals and added to the
e Company.

Revenues
from salt
and opium
secured to
the Com-
pany by
Mr. Hast-
ings.

17 FEB. 1792.

Comparison
of early
movements
of India
with that of
the English.

MY LORDS,—When I had last before your Lordships, I ventured to portion of your time by a detailed of the successive governments of when we become first historically to those times in which those govern mix and blend themselves with the this country.

My Lords, I thought myself not quired to lay this relation before y some undue impressions which hav public mind by a contrary and, as I representation of the principles and ments, to the comparative disadvan blishments in India. My Lords, I can indeed, by that concern which ever munity has in the general charact country ;—required, as representing gentleman at your bar, who, having, so eminent a share in the administra could not be unaffected, either in odium which might be cast upon it all the accumulated vices and abu time, been supposed to exist in that c with no very sparing liberality.

of criminatory charge—topics for which, if
 for them in the Articles before you, if I find
 which existed as a fair, credible, document,
 the statement was made which appears to be
 in some measure, to be connected with, that
 e, on the part of the accused person, some
 o complain. My Lords, I shall be very
 od to allude to that which I will call the
 id atrocious fable of Deby Sing.

17 FEB. 1792.

Statements
 respecting
 Deby Sing.

ery accuser, I conceive, before he states at
 criminatory matter whatever, ought, in the
 ive reasonable and probable assurance that
 o adventures to state is true. In the next
 to have reasonable and probable assurance
 which he so states is applicable to the party
 e makes such statement. And, lastly, he
 l that assurance which the best lights of his
 ing, the best acquired information that is
 n, can convey to him, that he shall have an
 verify by proof that matter which he so
 tate, and that the adverse party, against
 tes it, shall have an opportunity by counter
 at accusation. Now, all these circumstances,
 constitute the foundation of a legitimate
 ing upon this occasion.

Made with-
 out war-
 ranty.

place, the honourable Manager who intro-
 it to you stated to you, that he had acquired
 f that which he was communicating by the
 the last fourteen days; and, allowing that
 as accurate and the attention given to it
 and I have no doubt it was—as that which
 l could apply to that subject, yet, the hasty
 ty, from its volume, it must be—of so much
 assarily not enable that honourable person to
 t assured confidence of its truth which only
 he statement.

Hasty pe-
 rusal of the
 information
 by the
 Manager.

ourable person, in looking at the volume
 ated it, must know that the very facts that
 unquestionably true were at that moment
 t that moment under trial; were at that
 ng the diligent investigation of the Governor
 uncil; that parties were at issue upon it;
 ing in so questionable a shape that no man,
 rness which honourable people feel—and I

The circum-
 stances do-
 nied, and
 under inves-
 tigation at
 the time
 they were
 asserted.

Refused to
produce the
statements
as a formal
charge.

at that moment in inquiry it would not be falsified; to conciliate it to my own ideas are not a rule of government for others. But to my own I cannot reconcile it, to this very moment peremptorily it was true or not.

I will not now—for I have no Lordships' proceedings—of that allegation. I stated it, at the earliest opportunity—earnestly requested—earnestly requested—earnestly requested—so ventured to state in authentic form of a charge an opportunity of redemption much more grievous than by the detailed scope of which was not my petition only—petition—of the gentlemen which might have given him a substantial form with which he might have been denied us; and we were precluded, by your Lordship Deby Sing had no foundation to admit the Managers to counter proof upon the particulars of it; the institution has no remedy.

n minds so constituted; but, with the vast and im- 17 Feb. 1793.
mass of the community, who do not reason with the
r and refinement which your Lordships' minds are
med to—with many of them, the seal of our condem-
is put for ever; for they will not—so are they accus-
to deem, and so I hope they always will deem, of that
able body whom these gentlemen represent—they
t believe that they would deliberately state at your
t only that which they had not credible reason to
to be true, but which they had not adequate forms to
tiate in proof, and a charge to sustain that proof.

Lords, I will therefore take my leave of this subject,
ng permitted to discuss it in detail, inasmuch as the
ble Managers have been so precluded from it. But
nent that this instance has existed of a crimination
a party with imputations from which he cannot
himself by any means that the law knows; hoping
s, as it is the first instance of such excess, so it will
ast of such excess in matters of accusation.

Lords, having disposed of this topic, I will now recur
period of the history of Mr. Hastings' government
lich I closed, at the time when I had last the honour
ssing your Lordships. Your Lordships will recollect,
stings had, in the year 1772, taken upon him the
nent of Bengal. He had found existing in the govern-
that country some defects; and he had found our
in a state of derangement which certainly required
relief which his judgment and his industry could

History of
Mr. Hast-
ings' govern-
ment.

My Lords, I do not mean to throw any blame upon
tleman who preceded him in the administration of
blic affairs in India; it is enough for me, that the
were then in such a situation that it occurred to the
ny, as the best means of retrieving them, to send that
who they thought had the best talents suited to
rpose, and to address those talents to that work;
occurred to Mr. Hastings to adopt several regulations,
I have already mentioned to your Lordships, respecting
enues.

Derange-
ment of
finances
previous to
his assump-
tion of the
government.

nk, when I closed, I was beginning to state to your
ips that he had added a resource of public revenue
had hitherto constituted only a source of private
ient—I mean the profits arising from salt. The
iation of this fund to the use of the Company began,
lly, in the administration of Mr. Hastings. Its effect

Interference
with Mr.
Hastings'
plan for
managing
the salt
revenue.

14 Feb. 1792.

dential, private, orders in his pocket so to em-
man. Therefore, I think, after this secret and co-
letter to Mr. Hastings, in virtue of which he w-
when he entered that minute of apparent comm-
Nundcomar, that, after it was known and publish-
not perfectly proper to have urged that minut-
Mr. Hastings, as exhibiting a picture of his real s-
and opinion in respect of this man.

Comparative
treatment of
Mehannud
Reza Khan
and Chert
Sing.

In reading that letter, I took the liberty of draw-
Lordships' attention to the comparative treatment of
med Reza Khan and Shitab Roy—of their treatment,
loose suggestion, as compared with the treatment of
Sing at a future period, when put under a mere
arrest, for clear manifest acts of disaffection and co-
towards the British power, at that moment of its ex-
exigency, when it was questionable whether we were
on the coast of Coromandel a foot of territory, and
we should continue to hold that depended upon the
ance that should be given us by every dependant
British empire. Here are men drawn from their
several hundred miles, to endure a trial at Calcutta
those charges from the Company for which there
forward nobody to vouch—charges loosely suggested
way. I beg your Lordships to contrast that conduct
the mild and gentle conduct applied to the same
Benares, for such contumacy as he had, during a long
years of grinding necessity, exhibited; when he was
put under a nominal arrest, for the purpose of showing
the Company were proceeding in a course of inquiry
would induce some punishment for that contumacious
conduct.

The Com-
pany's reso-
lution to be
their own
diwan.

Merit of
Mr. Hast-
ings' report
on the ac-
counts.

About the period I stated, when there was this in-
into the conduct of Mohammed Reza Khan, the Com-
announced to Mr. Hastings that they meant in future
stand forward as their own diwan. That was, to take
financial government out of the hands of their official
and administer it by their own servants. The detail of
collections was a subject yet unexplored. Mr. Hast-
addressed himself to that inquiry with so much diligence
he has detailed the subject with so much perspicuity,
has introduced into the confused mode of keeping
accounts so much regularity and order, that it was
object of universal praise in the year 1773, when the affairs
of the Company were under consideration, and forms

those I have mentioned, one of the principal ^{14 FEB. 1792.}
 or the Parliament of Great Britain to appoint
 ion of Governor General.

ssary, before any arrangement was made of the <sup>Reports of
Committee
of Circuit.</sup>
 there should be an inquiry into the nature of
 into the sufficiency of the zamindar, and his
 l the sort of rent that was required of him.
 e of Circuit was appointed for this purpose.
 as reports of that Committee were the means
 servants afterwards, and Mr. Hastings imme-
 ne and communicate a system upon which we
 to the present hour.

gs first had it in contemplation, finding that <sup>First pur-
pose of Mr.
Hastings to
move the
collections
to Calcutta.</sup>
 ervisors, to continue the same sort of officers,
 ie of collectors. And that which he ultimately
 n the first instance, the means to which he
 purpose of settling the revenues and bringing
 at of political government the seat of financial
 make them both the same and bring them both
 tta. That was the first plan; and, though he
 iated from that plan in the erection of pro-
 ils, yet it was with a view to obtain that
 ich might render that which was the primary
 lan ultimately beneficial to be adopted. That
 e understood to be stating at hazard that
 had it in view to bring down the collections
 nd the adjustments of accounts from Moor-
 'alcutta, and to make all financial collections
 will state a letter to your Lordships, in which
 such to have been his intention and the reso-
 lcommittee of Circuit:—

mously resolved," he says, "to adopt the plan proposed <sup>His letter on
the subject.</sup>
 and members of the Committee of Circuit at Cossim-
 ing the seat of the revenue business to the Presidency,
 his important branch of your affairs under the immediate
 our Governor General and Council."*

Hastings has been arraigned for the change of <sup>His adoption
of provincial
Councils,
and subse-
quent aboli-
tion of them</sup>
 is respect—that he did adopt provincial Coun-
 rime alleged against him is, not that he adopted
 first intimated an idea that the settlement of all
 alcutta would have been better, but that, having

General Letter of the President and Council of Calcutta to
 November, 1772.—Printed in the Sixth Report from the
 recy, 1773.

by the gentleman now at your bar. Of this, I ^{in Feb. 1791} fore that sixteen lacs were under the orders of my.

is not the whole, or by any means the whole, of the ^{Other additions by retrenchments.} he devised for us, or the means of retrenchment that

ted; for the means of retrenchment were them-

a very large amount, a very productive source of

the Company. He beset himself to regulate all

ial, to regulate all the military, to regulate all the

concerns of the Company; and in the short period

that more than two years, that had intervened

his accession to the chair and the arrival of the new

at from England, he had achieved every object the

could wish to have achieved for them in respect to

and in respect to internal and external security.

ary savings amounted to no less a sum than twenty-

and a half a year, 245,000*l*: the civil savings to

5,000*l*. These were retrenchments made at this

Mr. Hastings.

was another and continuing source of relief to the

, and which saves the Company the expense of

ing one third of its whole army in Bengal. I mean

ly from Oude. Your Lordships will recollect that,

taty of Allahabad, it was stipulated that we should

Wazir military assistance, when it should be wanted

fence of his country; but the terms upon which

ary assistance should be lent were not there stipu-

at a subsequent period, when that assistance was

a very small and inconsiderable allowance had been

it, so as to make the Company considerably losers

part of the connection: 30,000 rupees a month,

brigade that was furnished him—a brigade consti-

th all its parts, about six thousand men—was the

at was first paid by Suja-ud-Duwlā. That was

sum that was paid before 1768. After that time

ed to, I think, 160,000 rupees. That was the limit

tained till the treaty of Benares, by which Corah

abad were ceded, to be enjoyed by him as his other

s of Oude had been before. I should have men-

another reason why it seemed fitting that Corah

abad should be re-united to the territory of Suja-

, that they had been before severed from it, when

een guilty of some delinquency to the Company,

h he had thoroughly done away by subsequent

The subsidy
from Oude.

reduction was made. Indeed, as soon as the
had stated that they would "stand forward their
an," it became almost unnecessary to continue the
ment; and it was an act of bounty on their part
he descendant of Mir Jaffier, the present Nawab,
ud-Dowla, to continue him in the state and the
ch he now holds, and which, after all, these sixteen
ar enable him to sustain. It was rather an act of
nd generosity on their part than an act of hardship
ame severity.

17 FEB. 1792.

The reduction occasioned by the Company acting as their own diwan.

the Company had decided that this, which may be
ie double government, that is, the government
through the intervention of the country powers,
them forth to the eyes of India as the effective
ent—when it determined that this should be dis-
d, it would have been an idle waste of the public
to devote a larger portion of it to those services
l been devoted to it before. I will use language
ly expressive, as I conceive, of the proper sentiment
t have filled the minds of the court of Directors and
cil of Bengal at the time, thinking, as they must
ly do, of the folly of wasting a larger sum upon a
hich had ceased to be useful:—"When the reason
tablishments is gone, it is absurd to preserve nothing
burden of them. This is superstitiously to embalm
not worth an ounce of the gum that is used to
it; it is to burn precious oils at the tomb; to offer
l drink to the dead—not so much an honour to the
as a disgrace to the survivor." This sentiment is
correct, and couched in such terms of eloquence
ication that I take the liberty of reading it from a
d publication, rather than express, in more homely
e same idea from myself.

ie charge is, "that, at the time he was making this
a, at the time that you thought sixteen lacs a year,
e orders of the Company, sufficient to be devoted
e purposes of the state of the Nawab of Bengal—all
ons, all his services—you at that time received a lac
lf; and that you, in devouring the blood of all
oles"—in some such language it was stated*—"have
o put this sum of money into your pocket. You

Charge of taking one and a half lac of rupees from the Nawab,

17 FEB. 1792. have been insensible to all the feelings occasioned retrenchment. You have made this a constituent your own fortune thus acquired."

The money
received on
the public
account.

A usual gift
on occasion
of a visit
from a
prince.

Expenses of
native
princes at
Calcutta
defrayed by
the Com-
pany.

I will not recur to the language in which it has been said that Mr. Hastings never made any denial of the receipt of this sum. He certainly has not. I know it has been said—I will not recur obnoxiously to the terms in which it has been said—that "there has been much folly and insolence, upon this subject; much raving, but no sense." It is enough that these words have been uttered; and no comment upon them; they make their own way. Mr. Hastings did not deny it, because it was true; because there was no call, in point of self-defence, to deny the receipt of this sum of money; because it was upon the public account. The public had the benefit of it. It was a sum usually given, or expenses defrayed, of a similar amount, to every person representing the government in their visits to one another. At this time there is not a prince in India who would visit another prince of India—certainly none where there exists a relation of superior and dependant between the two, where the full expense of the visitor is defrayed by the person who is visited. And Mr. Hastings himself, in the year 1775, takes notice of this very circumstance to the Nawab Sing, as an advantage he would derive by being permitted to the English government, that he would be relieved from the charges of accommodation to the Nawab, during his residence at any place within the boundaries of the Company's dary. This allowance, therefore, was no more than what was due to a dependant prince, or even a prince in amity, from another prince within his boundary. I am not conscious of the honourable gentleman who sits here as a prince, representing the Sovereign of Great Britain. It was necessary, upon the same principles upon which we defray the expense even of the Nawab when he visited us at Calcutta, upon the same principles upon which we defray the expense of every other person of considerable rank and consequence, to believe, even Hyder Beg Khan's expenses, when he visited Calcutta, were defrayed by the Company—upon the same principles it was just and fitting that the Nawab should defray the expenses of Mr. Hastings. Further than this

* See Mr. Burke's Speech in opening the Sixth Article of the Bill of 21st April, 1789: printed in the present volume, page 61, where the words are somewhat differently reported.

ying these expenses nobody has been benefitted, 17 FEB. 1792.
tent the Company alone ; for, if that fund had
ded, that sum or a similar sum must have been
ie funds of the Company.

arshness in the treatment of this young prince, Liberal
f Bengal, certainly he received none from treatment
who took the most anxious care to regulate of the young
such a manner, that, within the limits of that Nawab by
the Company had assigned him, within that Mr. Hast-
d range, he should find resources of abundance, ings.
of dignity. The sums at which his expenses
ed at different times, and, lastly, I believe, by
l his expenses of almost every sort, faujdari
bles—in short, the necessary attendants upon
lescription—amount to about four lacs a year. Largeness of
s will find it in the statement of accounts by his allow-
page 566 of [the Appendix to] your Minutes. ances.

nsions allowed to the different members of his
; to three lacs a year. These two sums being
sixteen lacs, there were between 90,000*l.* and
ir to employ purely in pleasure. Now I conceive
any, for whose act, however, Mr. Hastings is no
ble—for it was their pleasure that it should be
he carried that reduction into effect—treated
h very just attention to his happiness and
ving him an income so large, unincumbered
: charges than those which were brought upon
extravagance and folly ; for that sum was left
tirely to be exhausted in pleasure. I conceive,
being relieved, as he was, from the pressure
vernment, he had attained the ultimatum of
ness—a large income to receive, a great deal
waste, and nothing to do ! He was exactly
t situation under the arrangements made by
under the orders of the Company.

n page 569 of [the Appendix to] your Lordships'
ions that several arrangements were afterwards
Hastings for the benefit and advantage of
Bengal, and that he could not more effectually
is own happiness and comfort than in adhering
lations. So that, after settling his income,
by no means left that protecting care which
xhibit to every person under the protection
the Company. He, in 1781, gave such advice

Advice and
control
offered by
Mr. Hast-
ings.

17 FEB. 1792. and regulations for him as, if they had been pursued, might have relieved and delivered him from those embarrassments and distresses which his own improvidence and extravagance have since plunged him into.

Summary of
Mr. Hastings' govern-
ment previous to the
establishment of the
Council
General.

and subse-
quent to his
recovery of
power.

Prejudices
implied by
members of
the Council.

Their trivo-
lous com-
plaints on
their arrival
at Calcutta.

Mr. Hastings having, at this time—for I am now drawing near to that period when the Council General arrived from England—Mr. Hastings having done everything to wind up and close the bleeding arteries of profusion—having retrenched every unnecessary expense in the civil and military establishments—having added near two millions a year, upon the present calculation of income, to your resources in Bengal—having added a million sterling to the fund which was to relieve you from your present distress, in discharging your debts—having settled upon the best foundation every political, financial, civil and commercial, regulation—had raised the affairs of the Company and his own fame to that eminence from which it required all the counteraction, both at home and abroad, all the efforts of an able, active, confederate and hostile, majority, during a great part of the remainder of his government—it required all this in any manner to remove him. For, even at last, under all these disadvantages, and the added embarrassments and disadvantages of many European and many Indian wars, he left the country, on the 16th of February, 1785, restored to that situation of peace, plenty, order and security, in which he had originally placed it at the period of his first salvation of the British interests in India, in the year 1774, just prior to the landing of the Council General.

My Lords, the Council General of Bengal arrived on the 19th of October, 1774. It is to be lamented that some of these gentlemen, unquestionably of very liberal and honourable minds—of purposes extremely devoted to the interests and the welfare of their country—should have suffered these honourable minds of theirs to be perverted, and themselves to be diverted from those purposes, by prejudices very industriously and very mischievously infused into their minds, about the period of their arrival, by other persons of less respectable description.

My Lords, the commencement of their share in the government was querulous enough. I think, before they had taken their seats at the Board, they began to complain that their arrival was announced by a less complimentary discharge of ordnance than they had expected. Other foolish

ivolous complaints of that sort seem to have been made 17 FEB. 1793.
they met in Council—before they broke ground in
decided acts of hostility with which they instantly
ended the career of their government.

the 25th of October 1774, they met in Council. Mr. Hesitation
of Mr. Hast-
ings in ac-
cepting
office under
the new
establish-
ment.
ings had desired a delay of a few days, for the purpose
considering whether he should take the part assigned him
a new constitution of things in India. He knew that
inds of these gentlemen had been corrupted by studi-
infused prejudices. He saw many untoward appear-
many things which told him he should meet with that
ition, that degradation and those insults, which he so
experienced. Meditating and foreseeing all these things,
that firmness with which he had endured that irksome
ion in Council, in the year 1764, at the period I have
ly stated, when the war with Cossim Ali broke out,
he was associated with persons adverse, in all antecedent
ms, to the war that was then breaking out, yet, as he
l not desert the interests of his country in what he
ived a situation of imminent peril, he would not, in the
1774, abandon that country which he had raised to
a state of prosperity. He would not abandon those
sts which he had fostered and protected, and which had
n under his hands, to be blasted by the rashness, the
vidence, or the ill designs, of others. Though he ex-
l and actually experienced every species of insult that
ling to the spirit of a man, though he staid there to
his power entirely wrested from him, and to be every
nt reminded that it was so by the most poignant affronts
idignities, nevertheless, he so endured. He knew his
ry had a stake in his efforts which he would not suffer
lost by any feelings of his own. He, therefore, endured
dation and insult—every thing that is galling to the
of a high spirited man : he staid that he might save.
y staid, did save and protect that which is now by
eans the empire of Great Britain.

Patriotic
motives in
retaining
office.

e first subject which the members of the new Council Attacks on
Mr. Hast-
ings by the
Council.
The Rohilla
war.
d their attention to, upon the first day of their sitting,
e 25th of October, was that of which I have already
l to your Lordships a part—the Rohilla war. Upon
subject they thought fit to comment with considerable
upon Mr. Hastings, for having, as they said, very im-
rily committed the Company in a war, beyond the limits

seeing the subject of the Rohilla war, I would wish
 to consider to a greater extent than is necessary, but,
 as this was a subject upon which the Council at
 their arrival laid their finger, for the purpose of the
 speech of Mr. Hastings, it seems to me in some mea-
 sure, in order to put him right in your Lordships'

17 FEB. 1792.
 Apology for
 discussing
 the Rohilla
 war.

to show that, in that in which they imputed to
 no blame was justly and fairly resulting from the
 speech which they applied their minds to.

id it was impolitic, because it was exposing our
 to be assailed by the Mahrattas, with whom this
 an endless source of contention and animosity.
 tion has been falsified entirely by the event. The
 of the Rohilla country, in the custody, as it has
 Suja-ud-Dowla first and his descendant Asoff-ud-
 e, have not been assailed, even to this hour, except
 predatory incursion of some Sikhs in the year
 h was disavowed by their own commander, and for
 depredators were punished. That which the
 Board predicted would produce perpetual wars,
 duced a moment's dissension, and that which was
 perpetual incursions has not produced one hostile
 beyond the Ganges, the limit of that country.

Asserted im-
 policy of the
 war, by ex-
 posing the
 frontiers to
 attack from
 the Mah-
 rattas.

is another objection to the treaty of Suja-ud-
 it was said that the benefit that we were to derive
 from the brigade at the sum of two lacs, ten thou-
 sand a year, was not a natural resource to such a
 Bengal, and, at the most, could be but temporary.
 applied to this very hour; and, by the last accounts
 of Lord Cornwallis, it annually netted that amount
 sury.

The brigade
 subsidised
 by Suja-ud-
 Dowla.

as at that time a just ground for commencing the
 object of the treaty being broken, and in respect of
 it would be dangerous to commit the guard of so
 a frontier to a people at once weak and faithless,
 it leave it to us to conjecture what they would do,
 of cold neutrality or the hour of danger, when
 make this return in the moment of their protec-
 the fever of their hottest gratitude. Therefore, I
 in this measure, upon which their first censure fell, is
 justifiable upon principles of justice and upon prin-
 ciple.

Danger of
 trusting the
 frontier to
 the defence
 of the Ro-
 hillas.

that measure which attracted their observation and
 the result of this :—They demanded from Mr. Middle-

Demand by
 the Council
 from Mr.

Middleton, Mr. Bristow was sent up to fill the same
 1, and when Mr. Hastings desired that Mr. Bristow
 correspond with the Governor General, conceiving it
 necessary that he should correspond with anybody else,
 or granted that they would adopt the same rule with
 to the correspondence of the members of the Board
 y had laid down for that of the Governor General—
 y insisted that each member of the Council should,
 ally, have a right to correspond with the Resident,
 they precluded the Governor General from having that
 correspondence. They reserved to an individual, one
 then constituting the government of the country—
 ie majority the Governor General was excluded from
 re of it—they reserved to themselves the right of
 communication, of correspondence, with the Resident
 ey denied to the Governor General.

17 FEB. 1792.
 respond
 privately
 with Mr.
 Bristow.

refusal, peremptorily persisted in on the part of
 tings, produced the removal of Mr. Middleton, and
 intment of Mr. Bristow to the station of Resident
 ; and, during the whole of the period which inter-
 tween that time and nearly the close of the year
 e residence of the one or the other of these gentle-
 he court of Oude was the mark and ensign, held out
 untry powers, to ascertain the ascendancy or depres-
 he influence of the Governor General in the councils
 al. I mean, with an exception of a small period of
 tween 1779 and 1780, when Mr. Purling was Resi-
 Oude, that was the mark to which everybody looked
 whether the Governor General was in possession of
 functions of his office. And Mr. Hastings, wish-
 perform no ineffective part in the government
 to him, and to have the means of conducting with
 y and advantage to the Company the affairs com-
 to him, showed, instead of being blamable, that he
 uenced by those motives which are the source of all
 d honourable conduct in man. He besought them,
 disapproved of his conduct, to recall him; but, if
 stinued him, to give him the full, effective, use of his
 s. He writes to them thus, on the 3d of December,
 ithin less than two months after the new Council
 and took possession of the government: -

Substitution
 by the
 Council of
 Mr. Bristow
 in Mr. Mid-
 dleton's
 office.

ul as my situation is likely to prove, and unsuitable to my
 n, it is my determined resolution to retain the place which your
 ginally assigned me, and the Legislature has since so honour-
 rmed, till your justice shall decide between me and my oppo-

Letter of
 Mr. Hast-
 ings to the
 Directors,
 3d Dec. 1774.

remedies can be applied. The Council, consisting of five members, who manage your affairs in Bengal, and for the manner in which the Parliament has treated the Governor General, as distinct from the Council, some peculiar power and position above the other members of the Council, your government, has been overruled by three members of the Council, and by a variation in opinion, but by a majority against the other two, it will need the sanction of the Parliament have been frustrated. The Council consist of three members instead of five, and a decisive remedy can restore the property irrecoverably lost to the property of your property and the national interest and ruin.

" I will not quit the ground on which the large portion of my life spent in the trusts in which it was my lot to be. I rest my cause solely on the merits of my present vindication. I adopt the national honour, and I know the utmost reach of my wishes. My consciousness of my own integrity and determination on the subjects I am wanting to prevent your affairs must be unavoidably left to disprove me.

" If you should judge me fit to manage your affairs, I have already said I am desirous to devote what remains of my service. But allow me, honours, with means equal to the response to the first station, whatsoever at

Continued

My Lords, it would have

, to be making ineffectual opposition to measures he did 17 Feb. 1792.
approve, and to have the whole usefulness of his own
its and attainments in that service entirely suspended,
ng the period in which the effective government of that
try was occupied by his opponents.

At this period of time, there occurred an event which has Death of
Suja-ud-
Dowla.
the foundation for that intimate connection with the

Government of Oude—a still more intimate connection than
had before—and has given birth, in its consequences,

a variety of transactions which are now in question

to your Lordships—I mean the death of Suja-ud-Dowla,

which happened on the 26th of January, 1775, within three

months after the landing of this Supreme Council. Upon Question of
succession
the occasion of his death, it became the Council of Bengal to

take such measures as consisted with their safety, and the

wantance of good faith, in respect to treaties then subsisting

between us. And, my Lords, the first anxiety of the Council

was to have been, upon seeing that his death was likely to

bring on, to know upon whom the succession would be likely,

his appointment, to devolve. There were doubts whether

the present Nawab, Asoff-ud-Dowla, would be the object of his

selection. But, in the course of the discussion which took

place at that period, so little did it occur then to the members

of the Board that all the treaties made with Suja-ud-Dowla

ended at his death, that, on the 3rd of February, Mr. Minute of
Mr. Francis.

Perceval, in a minute, states that, supposing the right of

succession to be established in the Wazir, as he now is, that

if Asoff-ud-Dowla, he thought there would be an obliga-

tion upon the Government of Bengal to acknowledge him as

representative of Suja-ud-Dowla, on the terms and to the

extent prescribed in the treaty of Allahabad.

Now could any man that penned that minute have a doubt The benefits
of the treaty
of Allahabad
secured to
Suja-ud-
Dowla's suc-
cessor.

that the treaty of Allahabad extended to the successor of

Suja-ud-Dowla, when he should be named and ascertained?

It is impossible but that, upon the 3rd of February, he

thought, as I do and every man who fairly addresses his

mind to the subject must do, that the treaty of Allahabad

extended to the successors of Suja-ud-Dowla all the benefits

alluded to, in that treaty, to Suja-ud-Dowla and his heirs.

It will not bear a question that can be discussed in any court

of law, whether words, by which one nation contracts with

another and his heirs for perpetual peace and other continuing

benefits—whether treaties of that sort which are called real

ties are binding upon successors, or only personal and

Case of
India and
the Company
at the time of
the treaty.

and Benare
as then left to him.

It might have been o
ment, that the treaty of
dominions subsequently
might not extend to th
Company's protection in
which he derived under
that it did not extend to
respect to the country of
our acquiescence, knowle
contended, that it did no
which was obtained by our
to his dominions. So it m

The benefits
of the treaty
refused to
Amul-ul-
Dowla by
the Council.
Application
of the prin-
ciple to the
Company's
claims on
native
princes.

no such narrow ground occ
men. All public faith wa
made with Suja-ud-Dowla
to his unfortunate successor,

Now do, for a moment, le
the lives of the princes, wha
the princes of India held th
Suppose the successor to the
"Here is Mr. Francis' minu
treaties only bind for the life
prince Shah Alem is no more
the dominions of my ancestors
me. You are versed in this n
nations and obligations of trea
have told me that they bind onl
ing prince. I resume my di
situation

n the five Northern Cirkars:—"My father ^{17 FEB. 1792.}
m but for life; he had no further power of
ou, the Company, by the Council you sent out
u solemnly told all India that all treaties expire
of the prince."

wa may say—"I choose to have [the island of
and other lands ceded to you." The Raja of
the Nawab of Arcot may take back the jagir
y feather of our wings is stripped by this mis-
lse, doctrine contained in this minute.

ground of an argument which has no foundation <sup>Demand of
Benares, etc.
by the Coun-
cil from
Asoff-ud-
Dowla.</sup>
or reason, was this demand made, at that time,
id-Dowla—"We demand of you, as the condition
we will leave you in possession of your terri-
is, as the condition upon which we will allow
of our forces essential to the maintenance of
-that you cede to us Benares." But this is not
at did not satisfy the spirit of Mr. Francis.
a *partes secundo*—he was considering how he
is poor, unfortunate, man into the most pieces, to
lost maws. He said,—"I think we may as well
d give it to Nujif Khan," a soldier of fortune.
; was not enough to strip him of his territories,
ip him of his honours. "We might," says Mr.
; well apply to Delhi, and get the office of Wazir
han likewise"—an honour which had been resi-
anily for three generations.

it have we of giving away his territories, secured
in faith of treaties? But this we were to do.
; take Benares for ourselves; to give to Nujif
ldier of fortune, a large portion of the Duab
agir; and then, in return for all this, what were
why, to procure for him a nominal confirmatory
remaining dominions from Delhi. This was all
give, by way of commutation, for this spoliation
irs and his property. It is wonderful that upon
; it did not shock their minds, when they came
ther term—he was to be told by our Resident
sidered him liable for the debts of his father.

<sup>Charge im-
posed of his
father's
debts.</sup>

nerhit the burdens without the benefits of his
It is the most monstrous act of unqualified in-
h occurs in all our records in India. And would
ips believe that, in the stating of every broken
in India—and all of them have been at some

I conceive is the most warlike prince in our power, is present so it is in the book I am qualified to conduct of the g taken as a person who, for other English subjects in us all!

Situation of
Asoff-ud-
Dowla.

Death of
Suja-ud-
Dowla, at
Fyzabad.

Number of
British
troops with
him.

Commanded
by Saadat
Ali and Caji
Basmant.

Attempt on
Asoff-ud-
Dowla's life
by Caji Bas-
mant.

I will state the situation the whole is a picture of a not to be met with in any Suja-ud-Dowla dies at Fy that time. When one m successor resides at Luc Fyzabad, and had about British force; and ther hilcund—in all above 10 to consider under whom i makes the extortionate marked. The principal Saadat Ali, the next and r The rest of them, to a larg the immediate command o and notoriously hostile t that he afterwards attempt own hand murdered Mur nd-Dowla, rushing into his his hand, in a fit of intox could effect any mischief Asoff-ud-Dowla, cut dow him. That was the pers

whether they too easily listened to the cogitations of Mr. 17 FEB. 1792.
is, they acquiesced in taking Benares from the Wazir.

is told he must yield Benares, or the forces would be
rwn immediately. It was, in effect, telling him he

surrender his throne and his life to his rival and to his
es; for would his own troops stand by him? They

The Wazir
unable to
trust to his
own troops.

in arrears, by the mischievous policy of the princes of
country, many months in their pay, and the treasure that

pay them—over which he had as unquestioned a right
one of your Lordships have to that which you think

assured parts of your property—that was to be taken
him, to be given to the Begums. He was, therefore, to

bled with the expense of the pay of near 100,000 of
country troops; charged with all the debts due to us;

his dominions severed, by taking from him a proportion
in which, according to Murteza Khan's account, would

with fifty lacs, as rented by us, though but of the value
senty-two and a half to the Wazir. If we think we

determine the contract of our troops at any moment,
might equally as well say to another, to whom he had

out—"I choose to determine the contract by which I
in the boat, at the time you are upon the water. Here,

of it." Why, you left him to the sword of Murteza
and the jealous rivalry of his brother Saadat Ali.

man did what he could not help doing. He purchased
and his throne by the cession of that which was thus,

Cession of
Benares to
the Com-
pany.

id of all treaties and good faith, extorted from him.
next thing it would have become us, I conceive, to

lone, was to have made the remainder of his resources
ble. If we had plucked this feather from his wing, we

l, at least, have strengthened every other that remained
No; we consigned him immediately—I do not say

Inducement
of the Wazir
to resign his
claim to his
father's trea-
sures.

I do not say my client, who certainly had then no
m, no means of controul in that government, being in a

d minority, and laid by as perfectly useless in their
ils—but it occurred then to Mr. Bristow—for the

re originated with him—as fitting, to accede to a
; proposed by the Begums, for granting a small propor-

f these treasures of Suja-ud-Dowla, which they had in
hands, to their son, in consideration of his relinquishing

n to all the rest.
is treaty was in agitation with Mr. Bristow from the

Reasons for
Mr. Hast-
ings' gua-
rantee of the
treaty.

l of March to the period of October, in the year 1775.
g the whole of that time, Mr. Hastings had every

to think—indeed he might well know—by the com-

Chain of the
Begum to
the late
Wazir's
treasure.

The treasure
deposited
with her, for
security.

The late
Wazir in
actual use
of the trea-
sure.

claim of the Begums to it appears to have been so Dowla, during the course purpose, it is said, of appears upon your Minut princes in that country do care of his Begum, in his respect, and in the nature would be more likely to ordinary spoil. He had p ment to him, and in the fi execute the trust. He c only, but the seals of his know whether that alrea does not it will shortly seals of his executive gove in virtue of this trust, clai government of the country she could a right to succes some purpose and under left with her. But these was accumulating, and up occasional, contingent, ex order upon this fund, to Mr. Brady, to defray part He was in the actual use sures, as his own, till he now some claim; but wha their Articles stated. F them, you will see with

treasures accrue? If there was a will devising them 17 FEB. 1792.
 let it be shown. If there be a deed of gift of them,
 not produce it? The possession remained—which is a
 evidence of there being no gift; because the transfer
 possession usually accompanies a gift—the posses-
 remained with the Wazir, whose house the zanana was,
 extreme hour of his life, and they belonged to his
 immediately upon his death; and, therefore, there
 possession which might give a colour of argument
 claim in respect of supposed gift or contract.

have taken some pains to inquire whether there were No bequest made to her from the Wazir.
 papers written by the Wazir—any communications with
 company, indicating any purpose or wish that the Begum
 have all or any part of those treasures, after his

Nothing of that kind is to be found. But there is
 found upon the consultations a single letter, with which
 take the liberty of troubling your Lordships, written
 Sa-ud-Dowla himself, almost in the agonies of death,
 a very few hours before that expected event hap-

In that letter, all his anxiety is for his son Asoff-
 Dowla, whom he desires the Company to consider as in
 care. Not a mention of the Begums! Not a word of
 treasure, which, if he had wished to secure it to them, it
 natural and obvious he would have made some men-
 tion in this letter which, at the period I have stated, he
 to Mr. Hastings!

Lords, Colonel Polier was on the 26th of January, Letter of Col. Polier to Mr. Hastings.
 when the event of the Wazir's death happened, at
 bad, where the Wazir then was. He writes to Mr.
 Hastings thus,—

“I did myself the honour of addressing you the day before yesterday,
 and worthy qualities.”

“I say, this letter contains the last request of the prince
 recommends his family to their protection. These The Wazir's recommendation of his family to Mr. Hastings.
 have been relied upon; but it is a mistake of Colonel
 Mr., for he never mentions his family. This is the Nawab's
 request:—

“I now shall I express to you the violence of the sufferings I undergo Letter of the Wazir.
 my disorder.
 never remain in alliance with you.”

“No copies of this or the following letters have been met with. The Com-
 agent at Fyzabad at this period was Col. Primrose Gailliez. His letters
 Council just before and after the date mentioned in Mr. Law's Speech are
 and in the Appendix to the “Minutes of the Evidence,” p. L313.

her son. He would have secured an unexception- 17 FEB. 1792.
 1, for the payment of all that debt which was then Amount of
 the Company—a debt which, at the time of the debt due to
 Suja-ud-Dowla, amounted to somewhat more than the Company
 ; for I find an account which states it at above at Suja-ud-
 at the end of the year 1774, and, therefore, by that Dowla's
 may be supposed, by the accumulation of the subsidy, death.

it to the sum of sixty lacs. He ought to have an-
 to the Begum that these treasures were the property
 1. He ought to have announced to the son that, in
 his right to them, our right upon these treasures

He should have told them both that, if Suja-ud- The treasure
 id made a will, this treasure must still be subject to subject to
 ; that these debts attached upon them on the part the debts,
 company—on the part of his unpaid troops ; that it
 g that, out of this fund, the expenses of his accession
 overnment—every sum that might be necessarily
 l to procure his confirmation in his government from
 ought, properly, likewise to be taken. All these
 pon this fund ought to have been announced, and to
 ent, at least, they ought to have been satisfied, before
 ums should be permitted to appropriate any part of
 No such thing is announced to them. They are
 d to appropriate them, as if they had received them
 ie most valid conveyance or bequest from Suja-ud-
 and as if no debt that formed a claim upon that fund

impossible, if you consider the nature of the thing--- Improbabi-
 7 considering that there is no evidence produced, lity of inten-
 will is shown, no gift, no evidence upon which tion of Suja-
 of right can be founded—but it is impossible that ud-Dowla to
 Dowla, justly solicitous and anxious for the suc- assign away
 of his son, should have left away from him those the treasure
 s, which were essential to the maintaining of him from his
 ie musnad — that he should have given away successor,
 sum of money, which was wanted to pay the
 whose assistance was necessary for his continuance
 throne. But we need not be enforcing what, in
 r in prudence, Suja-ud-Dowla would have done. It
 incumbent upon the Begum to show that he had done
 g of that sort. It was incumbent upon the Begum
 that, by some efficient act, he had appropriated these
 s to her, to the prejudice of other parties who might
 ins upon them ; to the prejudice of his creditors and

Incumbent
 on the Be-
 gum to
 prove the
 donation.

claim she seems to have
very improperly induced

The Board's
treatment of
her was con-
siderable of
that treated
to the Com-
mission.

I have dwelt upon the
Lordships how very prob-
be guilty of such an act
whom she was so conne-
that conduct, which I sh-
of, towards us, with whom

Commission
in 1772 for
ascertaining
value of
lands (see)
in 1772.

My Lords, the next
portance in this period
by the death of Colonel
turned under the contr-
Aminic Commission; n-
laid. It was a commissi-
tuted by Mr. Hastings
purpose of ascertaining t-
which were then about to
given in the year 1772, fir-
ings to be proper that a n-
into the value and circum-
made, in the year 1772,
under their immediate dis-

Assertion
that the ob-
ject of the
inquiry had
been pre-
viously as-
ured.

An honourable Man-
blame to this transaction,
is contradictory to himsel-
inquiry had been fully a-
minute made in the year
had attained the knowled-
that time. Certainly, to a

r the same. The estate receives an accession or a ^{17 FEB. 1792.}
by purchase or by alienation. It is, therefore,
to re-assess the lands, at every period in which a
nation is to be made, and a fresh taxation to be
on those lands.

i not only necessary for that purpose, but it was ^{Reasons for the inquiry.}
r, considering how much in the infancy of the
nation of the finance of that country we were in
ust as, your Lordships will recollect, at the period of
ed Reza Kahn's removal, just when we had only
at glimmering to lead us into the dark intricacy of
detail of accounts: at that time we certainly could not
sined all that information and knowledge which we
t a later period, and when we had been more fully
the modes of financial collection. Mr. Hastings,
s, directed this sort of inquiry to be made, to be a
for all future times, and the means of ascertaining the
with the utmost possible care, on every future occa-
s-assessment. The inquiry was to be so minute that it
ike up the value almost of each pargana; certainly
in the hands of each raiyat; the value of all lands,
largest proportion to the smallest. There would
division into the smallest and minutest parts. The
d nature of the soil, and every attendant circum-
ould be in this mode of inquiry ascertained. No-
doubt of the utility of this. But an honourable
has suggested, that Mr. Hastings had before said a
knowledge of the districts had been obtained. That
eans implies that complete knowledge of the minuter
on, and such as respects the qualities of land, had
ained.

i Lord Cornwallis recently let the land of the ^{The same inquiry instituted by Lord Cornwallis.}
for ten years, it was necessary for him to institute
sort of inquiry. One of the collectors, writing to
rnwallis, suggests the necessity of having it. This
Revenue Consultation, February the 10th, 1788:—

re ^{Letter of a Collector suggesting the inquiry.}
rivate emolument." *

ch was it the object of Mr. Hastings to have the
f future information at the expiration of the then
g leases, that it was a stipulation in these very leases ^{Justification of the inquiry.}
farmers should, at the expiration of their terms,

* No copy of the paper referred to has been met with.

Francis states that it appeared that he had been so con- 17 FEB. 1792.
 d in a trial of Mr. Fowke, which took place in June,
 That could not have been the reason of his dismis-
 for he was dismissed in May preceding; therefore,
 king that appeared on that trial could not have been the
 of his dismissal. But it did not appear in that trial
 he had been dismissed on any such account.

Ground of
 his dis-
 missal.
 The ground of his dismissal is neither more nor less than
 and I do not know whether it is a ground which would
 ent a dismissal. I rather incline to think that what he
 was not blamable, but certainly nothing that should
 et abhorrence and detestation; nay, I do not know that

Lordships will, when I state it, think it ought to attract
 or censure in any degree whatever. This man, Gunga
 and Sing, in 1775, is diwan, collector and manager, for
 Committee of salt, and generally for the revenues of the
 mce; he was likewise diwan of the Land Committee:
 na, therefore, to receive for Government what was due
 ne land, and he was to issue to the different persons
 acting for the salt farms the advances that were to be

to these salt farmers, for the purpose of managing their
 He stands, therefore, in this double relation. A man
 name of Cumal-ud-Din owed the sum of 26,000 rupees,
 years of rent upon his land farm. He was to have that
 larger sum issued to him on account of salt advances.

What is this crime, which is to make every man's face
 pale in India?—which makes Gunga Govind Sing a
 of abhorrence and detestation everywhere? Why, he

“Before I issue your salt advances, I will be paid my
 rent; and if you do not pay it I will deduct it from the
 advances.” I defy the honourable gentleman to show
 among the multitude of papers before you, anything
 imputes a specific crime. I am not talking of general

actions of infamy. These may be laid against any man.

Francis said, he understood him to be infamous. Colonel
 on said, he understood he was reckoned very treacherous

apacious. General Clavering said, that a man upon

there was a suspicion of any sort—adverting to what
 aid by Mr. Francis—might as well not have been a

and therefore [advised to] appoint somebody else;

no one joined in giving credit to Cumal-ud-Din.

Francis says:—

He has acknowledged having deducted 23,379 rupees from the
 ces made to Cumal al Dien, on account of the salt farms. Admit-
 that this money was applied to make good a former balance due on

Mr. Francis's
 account of
 it.

ness they were to execute. They were to send for 17 FEB. 1792.
sons and papers, and, if they did not attend in person and
h the papers, there was an order given—not to this native
er who might abuse it—not to any native officer—but to
Council, I think, of Moorshedabad, who were directed to
st and punish those who should dare openly to oppose or
by the orders of the Government in these instances.

It is moved by the Governor General that the following Power of enforcing attendance.
be written to the Chief and the Council at Moorshe-
d. It is committed to the whole Board, not to any
ate person, to enforce the attendance of persons and the
uction of papers. This is the order which, for the fur-
ance of the purposes of the Aminic Commission, was
by the Council General to the Council of Moorsheda-

Now what is it more than this—"you are to punish, as
court must, for contempts committed against yourself?"
is a contempt of that high commission if any person
held from them that information to which they were
ed. It was the object of the commission to procure it,
every person who contumaciously refused to produce
papers, which it was his covenanted duty, under the
of his original lease, to produce, the committee was to
st and punish. What do we do in the administration of
ice in this country, from a sheriff, who can arrest and fine,
ards? What does it mean more than that those means
be resorted to for enforcing this order which, according
be customs of this country, or the customs you yourself
adopted, are used under similar circumstances, to compel
dience to your own orders? That is all it says; and
the word "torture" could have entered the head of the
ourable Manager I cannot conceive, unless that Mr.
ncis, in his minute upon this head, says it is an authority
use torture. That is Mr. Francis's own construction.
re is no warrant for it. Neither the letter nor spirit
borises doing more than that which is consistent with the
anity belonging to the British nation, and that became a
ncil acting under their authority to do—to enforce an
dience to a necessary order.

Now I have done with this commission, upon which so
h blame has been cast. I trust your Lordships will
k there is no sufficient ground for imputing any thing,
or as relates to this charge—and I know of nothing else
imputes any thing—to Gunga Govind Sing. There is
blame to be found in Mr. Boyle and Mr. Anderson, tho

Bombay. The Company had to both of these affixed an extraordinary degree of value; for they had, in all their letters, from 1768 down to that period, been recommending them to violate peace and good faith, *quocunque modo*, to obtain possession of these places. There is a letter in 1768, in which they say,—

17 FEB. 1792.
Importance attached by the Company to the places ceded.

["The intimation you gave to our President and Council of Fort St. George, to use their endeavours with the Marattas to obtain a grant of Salsette and Bassein to us we highly approve of; and we now recommend to you in the strongest manner to use your endeavours, upon every occasion that may offer, to obtain these places, which we should esteem a valuable acquisition."]*

Their letter to the Bombay Council.

By hints of this sort, which the Bombay Government were not very unwilling to understand, they entered into treaty with Ragoba. Salsette was almost immediately transferred to our hands. Bassein was to be the fruit of a war with the Mahrattas. As soon as the news of this treaty and the operations which followed upon it had reached the Government of Bengal, they unanimously disapproved of this measure, and deputed Colonel Upton immediately to Poona, for the purpose of making peace with the Mahratta state. They were, however, so far, I may say, warped by the direction of their employers that, in this treaty, Colonel Upton was to recognise the aggression on the part of the English, or, at least, to say that the war was improperly commenced, and he was to stipulate as much as he could for all the benefits we could have derived from it. The minister of the Poona Government commented upon this sort of contradictory conduct, in which we acknowledge ourselves in the wrong and yet desire to be paid for it. However, we did effect this treaty with them. We had twelve lacs of rupees given us for that war which the Bombay Government had begun. Broach, a country of about three lacs, was to be ceded to us instead of Bassein, which they were unwilling to give us; but Salsette was ceded to us, unless we could be induced to yield that to them, at the earnest entreaty which they made, and so take something as an equivalent for it.

Disapproval of the treaty by the Bengal Government.

Terms obtained from the Mahrattas.

When this news arrived at the India House, they thought a favourable opportunity had been lost of obtaining these objects, and they did not so scrupulously as they should, to be sure, advert to the means by which they were to be ob-

Disapproval by the Company of the stipulations.

* Extract of the General Letter to Bombay, 18th March, 1768; Printed in Appendix 47. to the Fifth Report from the Committee of Secrecy.

men most interested to know, and having the best means of knowing, what were the designs of the French Government with respect to us—I mean his Majesty's then ambassador* at Paris—which he was directed to communicate to no other person but to Mr. Hastings, individually, and General Clavering. Having received this information from that noble person, he had reason to understand that there was meditated, on the part of France, a mission to India, for the purpose of intriguing with Indian powers—to offer them assistance, and to join them openly as soon as war should commence; that it was intended to send a large supply of men and arms, and persons to train them in the use of arms. Other communications respecting the same subject, strongly inducing Mr. Hastings to believe, and well warranting him in believing, a sort of aggression—a sort of intrigue, I should rather call it—on the part of France, drew Mr. Hastings' attention, in a very anxious degree, to the operations of that Government.

17 FEB. 1792.
Designs of
the French
Government.

It was credibly reported, at that time, that there had been a mission agreed for of the port of Choul, very near Bombay, to the Government of France, which would have been of the most important consequence to the British security in that part of the world. But it was known that this man was there. It was known that he had delivered credentials to the Peshwa from the French King; and that Nana Furnavese, who was the minister of the Mahratta Government, had sworn, according to the rites of his religion, and they according to the rites of their religion, to the performance of the contents of a very particular paper. To this extent, we certainly were apprised. We knew, further, that, notwithstanding all our efforts by Mr. Mostyn, who was stationed on the part of the British Government afterwards at Poona, notwithstanding all our remonstrances, we could not obtain his dismissal from that place. We knew he was corresponding with Mons. Belombre at Madras, which was then hardly in a situation of defence; that he had been doing the same at Pondicherry; and that, after this, he had gone to Nujif Khan. All these materials of information Mr. Hastings had before him, in the year 1777.

Complicity
of the Pesh-
wa's minis-
ter with the
French
emissary.

The Mahratta nation, therefore, not having performed its treaty, and meditating, as it seemed, an alliance with that power with which we were every moment expected to be at

* Lord Stormont: see the Introduction to vol. I, p. xvii

been stating those circumstances in order to show 17 FEB. 1793
 the correct discharge of public duty, the attention
 of the Council was immediately called and demanded to
 be; and that he was obliged to make the preparation
 against the French intrigues upon that coast in the
 year in which he was able: and he thought he did
 nothing this force under Colonel Leslie. But, unfor-
 tunately about the period of time when Colonel Leslie ought
 to have been advancing to the Bombay coast, the Bombay
 Government were infatuated by this unfortunate letter which
 came from the court of Directors, the letter of April,
 which they are told that, if the treaty had not
 fully fulfilled in all its articles, they should avail
 themselves of the first opportunity of restoring the treaty
 which had been made with Ragoba, and gaining all the
 advantages to be derived to them from that treaty. They,
 without any communication with Bengal, entered
 into a treaty with Ragoba, and, in the beginning of
 1779, set out upon an adventurous march to that

Fresh treaty
concluded
with the
Peshwa by
the Bombay
Government,
in 1779.

and a very adequate force for the achieving even
 success. We advanced within sixteen miles of Poona
 having seen an enemy. They, on a sudden, were
 almost by their own solitude; they paused. The
 day stopped their march, they saw enemies enough;
 galled on all sides; their retreat was considerably
 retarded, and it then became a consideration for them
 whether they should attempt to force a retreat or no. A
 officer, now in the Company's service, and who was,
 honoured with the rank he now bears in conse-
 quence of the better advice he gave upon that occasion,
 Mr. Hartley, advised them to cut their way back again.

Force sent
by them to
Poona.

Ignoble counsel prevailed—that of yielding their
 arms to the Mahratta state. A disgraceful and
 dishonourable convention was at that time formed, by which
 the national safety was procured, by the intervention—for
 an obligation in obtaining even those terms—to
 the Mahrattas, then the effective general of the Mahrattas,
 controlled the principal measures of their public
 affairs and of their military operations.

Its surren-
der to the
Mahrattas.

When the news of this calamity reached Colonel Goddard,
 he took the command, upon the death of Colonel Leslie,
 which happened in October, 1778, and who died, I
 think the day before orders for his supersession came—for

Death of
Colonel
Leslie, and
assumption
of command
of the Ben-

which occurred to him that it was expedient to do, WAS 17 FEB. 1702.

confirm the good faith and amity of the Raja of Berar. Measures for securing the good faith of the Raja of Berar.

will describe how he is situated, in point of connection the Mahratta Government and our own.

Mudaji Bosla was the descendant of Sevaji, the first son Mudaji Bosla.

Mahaji, the founder of that empire. He was adopted by Mji, the last Raja. He had, therefore, claims upon the Satta empire.

He had inherited, after the death of his mother, a portion of the Mahratta dominions, called the Berar dominions, comprehending the whole of Orissa, of which we are only nominal sovereigns, for no part of that

is to us. This prince had for many years kept up a friendly intercourse and correspondence, by means of his

Beneram Pundit, with Mr. Hastings. Mr. Hastings knew that it was much the object of his ambition to

be to the Raja of Sattara. He knew, likewise, that it was his interest to be protected against the intrigues and

of the Nizam, who was his neighbour, encroaching upon him on one side, and to be sustained against any

ambitious projects of either Hyder Ali, or any of the Mahratta Governments, on the other side.

Mr. Hastings, being always anxious to preserve the frontier of Bengal from all possible violation and attack, thought

the alliance of all others the most essential, inasmuch as his dominions lay immediately adjoining to the provinces of

Benares and Burdwan, two valuable provinces belonging to the Company, and which, if we were in a state of hostility

to that prince, would have laid most open to the devastation and spoil that might be made by his troops. It was,

therefore, with a view to our own security, and with the view of weakening any combination of the Mahratta powers

against us, extremely proper to dispose the mind of this prince most favourably that could be towards the British name

and interest; and, for that purpose, the first measure Mr. Hastings proposes, upon news of the French war, was, that

Alexander Elliott should be despatched to that prince, with full powers to treat upon the subjects I have stated;

and, before his ambition the object of the Rajahship of Benares, and every other advantage he might derive from the

action and good offices of the English nation.

Mr. Hastings, at the same time, considered of a plan of defence for the country of Bengal at large; and it became

likewise to consider what troops, and what funds for a troops, could be found. He proposed in Council, and

Measures for securing the good faith of the Raja of Berar.

Mudaji Bosla.

His inheritance of the Berar dominions.

His desire of protection against the Nizam.

Motives of Mr. Hastings for seeking his support.

Mr. Hastings' plan of defence for Bengal.

13 FEB. 1778. it was carried, that there should be six battalions raised for the defence of the provinces; and that the thought himself warranted in demanding that the defence be maintained by Cheyt Sing. I have purposed introducing the mention of him or his tenure period, for it seemed to me to be wasting your time unnecessarily, till the terms of that treaty in connection with the Company were to be called any active operation or effect. At this time, when a French war had arrived, amongst the means Mr. Hastings was devising for the public safety, he of demanding a force from our benefited, protected Cheyt Sing, who had hitherto derived much benefit without any return. He thought he was warranted nature of his tenure, by the terms on which every one who owes allegiance holds of that sovereign to whom owed; and, according to every principle of allegiance and fidelity, he thought himself warranted—and, particularly according to the express and precise terms of the convention between him and the English nation, and according to the terms under which he held from Saja-ad-Dowla, under whom we derived the sovereignty with the claim respecting him, and of which it is an unalienable appendage—a demand and receive military assistance in time of war.

Mr. Hastings proposes that this demand shall be made to Cheyt Sing, and Mr. Francis, under a supposition that Leslie's detachment would not speedily return within the provinces, acquiesced. But I should suppose that, though he acquiesced, he did not conceive that demand founded in right. I will suppose him so to have said, because Mr. Hastings' language afterwards supposes him so to have said. He said he would reserve the decision of the question of future right to their superiors; making the demand at present, and conceiving it fit it should be made, but, from an intimated doubt concerning the question of right, he reserves it to their superiors hereafter.

Now, unquestionably, if there be good faith and honesty between the public and the servants whom it employs, the kingdom and every subject of it is stopped from questioning that demand, after he had appealed to this country for instruction, and they by their silence showed their acquiescence. Mr. Hastings having, in the year 1778, come home to the Directors, and through them to the King's Ministers, to whom the despatches were communicated, let

The maintenance of six battalions required of Cheyt Sing.

Justification of the demand.

Qualified assent to the demand by Mr. Francis.

Implied approval of the Directors and the

on upon the subject of that demand, and having
ed it, in two successive years, upon the supposition
ing well founded, I say, independent of all other
its arising from convention, the actual terms of his
nd the constitution of the Mogul empire, if there
and honour in man, it is impossible to question this

17 FEB. 1792.

King's mi-
nisters.

He writes to them—"I have demanded this sub-
instruct me." If they sit supinely by and permit
rosecute that demand, year after year, and, upon the
oy of the person, who sluggishly and reluctantly
s the duty, he proceeds to punish him, and after-
upon further acts of contumacy and open rebellion,
him—I say the British nation are stopped, if there
ciples of common justice and honour amongst us,
questioning the acts of their servant. How long is a
wait upon an intimation of the course, as he con-
f his duty and of the line he means to pursue, till he
sanctioned in the act? Three whole years elapsed;
his act is questionable, it is a fault that lights equally
l persons concerned in the executive government
tely committed to the India Company, and through
ommunicated to, and so far connected with, the
te administration of his Majesty's government; and,
be a charge, instead of this gentleman standing
at your bar, I venture to say there ought to be
y by the side of him every person who has held any
the Company's service—who has held any place in
sty's confidential councils. All are common parti-
in his guilt, each equally criminal with himself, and
bear equally the reprehension and punishment that
ll upon that act. No, my Lords, there is no blame

e. There is no guilt upon any of them. The
was founded in right. The demand need occasion
n to them. They knew—for they had the materials
upon that he had before him—they knew that the
high formed the connection between Cheyt Sing and
arranted that demand. They permitted him to pro-
it. They never contradicted the exercise of it or
ed it, because they knew it was founded in justice.

The demand
founded on
right.

later period, in the year 1782, when a committee of
use of Commons were sitting upon the subject,
the recall of Mr. Hastings upon the same subject,
ng the Mahratta war, with full notice that this
had been for three years made upon Cheyt Sing,

The transac-
tion not no-
ticed by the
Committee
of the House
of Commons
in 1782.

in question they
have stated, even
was procured to be
then assigned as on
imputed to him as
upon Cheyt Sing. I
protection, with the
nation; that the Com
immediate council of
any concern in the app
zance it was committed
this very demand; and

*Statement of
Cheyt Sing,
at the time
of the com
mission of the
murder to the
Company.*

At the time that Asot
was in consideration wi
terms of his tenure. I
Mr. Hastings, that he s
relation between the Eng
Nawab of Oude; and that
to each, and have a kind
the time Mr. Hastings was
circumstances respecting
Cheyt Sing, under that pr
used in the course of the
whether they are not even, in
allegations of Mr. Hastings,
in which Cheyt Sing was afte
tenure, namely, when he hel
of the British nation. But,
to Cheyt Sing, as the terms
they had reserved to
country.

ded him in that situation. As applied to the ^{17 Feb. 1702.} the country, the revenue books from early times instances of the zamindars yielding military aid upon their demand. I am told by gentlemen conversant with those books, that, when a zamindar came at the time of the regular settlement of the revenue, he was entered as an excuse, like a kind of essoin, that he was soon to attend the royal stirrup in the service of his sovereign. There is not a page of history, in which I can find that anybody may have looked into, but you never see zamindars summoned to attend their sovereign, nor actually assisting him in war; so that the duty of obedience, as resulting from their tenure, seems naturally to have existed from all time in India. But, notwithstanding that, I will not look to India, it is the appendage of sovereignty everywhere. Allegiance and protection are reciprocal; and, if the arm of the sovereign is to protect the subject, that subject owes the support which must be derived from his own assistance, to constitute the military strength of that state of which he is to derive protection; and, therefore, without wasting much of your time in discussing that proposition—for all these questions will be discussed more largely and more ably by your Lordships—I will only state that it stands upon unquestionable authority, that there exists in the Mogul Empire a right in the sovereign of the country—and the Mogul Empire unquestionably was represented by the subahdar of Bengal, whose sovereignty we have taken by assignment—to demand military aid from his territorial subjects; and that territorial subject was Cheyt Sing, and he owed military assistance; that it was therefore of right for us to demand it, when the occasion might require. And, as to his refusal to answer the demand, he had received from his father an accumulated krur, certainly—one million sterling of money. He had been suffered to enjoy, from the year 1770, when his father Bulwant Sing died, an annual surplus of at least sixteen lacs a year—for by that sum did his receipts of military aid exceed his expenditure—and had thus accumulated the sum of more than two millions sterling. Your Lordships think, at a time when we were about to commence a war with France, and probably very soon after the death of the whole house of Bourbon, that it was unjust or unreasonable that the British nation should demand so small an

Military service.

Right in the sovereign to demand military aid.

Chey Sing's means of meeting the demand.

Moderation of the demand.

money as did actually arise, they were not war-^{17 FEB. 1792}
 —not to dispute the point, whichever way the
 be, suppose the treasury to be as full as
 chose to state it, that is, that it contained a
 as—see whether the treasury did not require the
 l to be given to it by this measure.

ar 1778–9, the year succeeding the commence-
 e war, the military charges amounted to above
 ore than they did in the year 1777. The ag-
 enses of the year 1778–9, over the year 1777–8,
 o 892,446*l*. Then, I think, there was sufficient
 etting five lacs, if we could honestly come by
 it we came by them fairly and upon every prin-
 ileable with justice, according to the terms of his
 ave already stated, with such arguments as I
 icient for that purpose. Every year, as one may
 agine, increased the exigencies of the Company ;
 re, there did exist a very adequate prospect that
 would be wanted. No man waits till the dis-
 ally happen, before he lays in the funds which are
 im at that period. It became him to look about
 the resources of supply, all he could, at that
 This occurred to Mr. Hastings as the most suffi-
 s for that purpose. To these demands Cheyt
 o offer the plea of inability. Now I do submit to
 ipsis that that is the most gross aggravation of his
 the most gross insult to the Company, who per-
 to enjoy, during all the time he held under them—
 he was under their protection they procured for
 Nawab of Oude—a revenue that, after every
 xury and expense of state, accumulated, every
 thirteen lacs.

w state what was the situation of the Company.
 this war with France commenced, Mr. Elliott, as
 ed, was despatched upon this embassy to the
 . Unfortunately for his country, that very ex-
 amiable young man was cut off by a fever before
 at the place where his embassy was to be exer-
 : Berar Raja, however, had given him a great
 is future good intentions towards us by ordering
 : Chevalier, the Governor of Chandernagore, who
 t moment escaped from Chandernagore, to be
 p to Mr. Elliott. Your Lordships recollect, I
 ned already the ill successes of Colonel Leslie's

*Situation of
the Com-
pany.*

*Embassy of
Mr. Elliott to
the Raja of
Berar.*

*The Gover-
nor of Chau-
dernagore
delivered up
by the Raja.*

province, which he changed to a more innocent object, ^{17 FEB. 1792.} of an attack upon the Bengal provinces; and he took into no hostile consequence should be derived from that, reasons of the measure and the intimations I will mention, followed by. In effect, he acceded nominally to this confederacy, never meaning it should produce any act of hostility on his part, unless his other allies should compel him.

the Nizam was assigned the attack upon the Northern ^{Scheme of operations of the confederacy.} provinces; to Hyder Ali the attack of the Carnatic, and, if possible, to attack Madras; and to Mudaji Bosla the attack on Midnapore and Burdwan, the provinces that lay nearest to Scindia was to attack the dominions of Oude [and] the provinces of Behar; and Nujif Khan was to come by the Duab to attack those dominions of the Wazir, to distract our forces, which might, otherwise, be employed in the protection of our ally. This was the confederacy that was formed.

But at this time, it became necessary for Mr. Hastings— ^{Necessary formation of a secret service fund.} as sustaining, by the hazard of the responsibility of his casting voice, most of the measures that were then adopted for the purpose of supporting the British empire—

[necessary] for him to secure, subject to his own control and appropriation, certain funds for the purpose of service, which he could not have secured, or could not have applied, by a direct communication to the whole of the Government without revealing the objects of that secret service, and therefore, defeating its effect. For that purpose, about the period of time when the Mahratta forces of the Berar of 30,000 or 40,000 horse, that were sent to the skirts of Behar province, but never set a foot in it,—when they went to attack Midnapore and Burdwan—about that time, Mr. Hastings received that money from Midnapore, under the name of Dinagepore pesheush, which was paid upon him as a crime.

Receipt and the application had equally public objects. received it at a period when, unless he had the receipt of funds secure from the prying eye of Mr. Francis, the receipt of it would have been defeated; and the secrecy of the application was connected with the safety of India, which, by other means of his, was effected by the application of money to relieve the distresses of the Berar army, to the extent of between 30,000 and 40,000 men, that were with the army, furnished as they were, prevented from breaking in on the rich and fertile provinces of Midnapore and Burdwan, ^{Necessity of secrecy.}

...it was beginning to
of so large a portion of the
eracy as 30,000 or 40,000
Raja, to the frontiers of Be

At that time, Mr. Hastings
the Berar Raja. The Raja had
expedition had been frustrated
had not been prosecuted soon
whole of his correspondence,
opportunity of concerting with
mischievous might have been pre
that he could avoid should be c

My Lords, it may be said—
consequence of this irruption of
any danger that they would ha
our empire from us? By no m
hension was, not that any such e
have followed upon that irruption
wasted our most fertile provinces
interrupted the supplies with which
and the other Presidencies, and that
destroyed the source of our investm
Sudanund's present gave the me
member in that confederacy. In
object of Mr. Hastings to detach, as
Bosla from the effective councils
Great Britain.

Upon the subject of this present
beyond Mr. Hastings' own, volunta
discovery, obtained an iota of proof
discovery been falsified
Your Lordships

Employment of the
money in
securing the
alliance of
the Berar
Raja.

Danger of
the wasting
of the Com-
pany's pro-
vinces.

Sudanund's
present.
Applied to
detaching
Minaji
Bosla from
the confede-
racy.

Voluntary
announcement of the
present.

and the present he afterwards received from Sada- 17 FEB. 1792.
 was perfectly impossible for him to have concealed
 in the remainder of that sum, or any sum he had
 if the Company had thought fit to question him

d discovered to them that he had received sums of
 from two sources; that he had applied the one to the
 the Berar army; and, as to the other, he had offered The Malwa expedition.
 or to obviate the difficulties that occurred in respect Mr. Hastings' proposition to attack Madaji Scindia.
 Malwa expedition. Your Lordships will recollect, as
 expedition, that Mr. Hastings having in Council,
 a period of June, 1780, strongly urged, in order to
 the effect of this confederacy, the necessity of an
 upon the country of Madaji Scindia—reasoning, upon
 a principle of *proximus ipse mihi**, that Madaji Scindia
 was more attentive to his own dominions than any
 belonged to the Mahratta state—recommended to
 and the propriety of making a diversion of Madaji
 force by attacking his own dominions. Nothing
 obvious, nothing more rational, than the policy of
 proposition. That proposition was resisted at the
 and Mr. Francis and Mr. Wheler, who were then
 heard, suggested as an objection to that measure—
 the first instance, solely that objection—the ex-
 This objection was made at the Council some time
 the 21st of June, 1780. At that moment Sadanund, Objection on the ground of expense.
 agent of his master, offers, on the plea of atoning, as it
 by Mr. Larkins, but, in fact, with a view of getting
 to suspend the demand in future—he offers this sum of
Offer of the present from Sadanund.

Mr. Hastings feels that this sum would meet the
 which that detachment would occasion, beyond the
 it would cost by being kept in their quarters, and
 engagements of the Malwa expedition. He immedi-
 communicates to Mr. Larkins—a person most worthy
 confidence, and a person most worthy of the confidence
 company—that he had accepted this sum, and for
 use.

He was not able, afterwards, to apply it immediately Inability to apply it immediately to the purpose.
 a purpose depended upon others than himself. Mr. Hast-
 ings offered it for that purpose. He was so anxious that
 it be applied for that purpose and that that expedition

* *proximus sum egomet mihi!*—Terent. Andr., act iv., sc. 1.

ding an extract from—and it exceeds all ideas of devastation and horror that have ever been conveyed to us before—

Then ensued a scene of war the like of which no eye had seen, nor been conceived, and which no tongue can adequately tell . . . fell into the jaws of famine."

Description
of the irrup-
tion.

Such was the immediate consequence of this irruption of Mysore army into the Carnatic. Terror and dismay, as Lordships may conceive, occupied the settlement of

Destruction
of Colonel
Baillie's
force.

And, that they should not be solely occupied with error arising from expected evils, shortly, and too soon afterwards, a large and gallant portion of the British army, under the command of Colonel Baillie and Colonel Fletcher, was cut off by an attack which Tippoo, after having been repeatedly repulsed, made upon that gallant corps. By the opportunity that his father had of escaping unobserved from immediate view of the British General, upon that occa-

he was enabled to assist his son in that complete destruction and overthrow which at that time fell upon that unfortunate body of men. Not one of above 4,500 troops left unwounded; most of them were left dead upon the

of battle; and it was owing to the intercession and humanity of some French officers, upon the occasion, that they were induced to give quarter to those who did survive.

Those who did survive were carried away, however, to the exercise of horrid cruelties, and indignities worse than

Danger to
the Madras
settlement.

As [the Carnatic] was connected by political relation to the settlement, every individual of that Presidency put mourning, and conceived the fatal period of the settlement arrived.

At this period, there existed in no human breast in India hope or expectation of better things, but because there was

Confidence
in Mr. Hast-
ings.

One part of it the gentleman at your bar, who, they saw, had the vigour and spirit of mind to devise, and generosity and courage to employ, all the resources of every part of India entrusted to his charge, to relieve a pressure on any one part of its depressed dependencies. In that he they were not disappointed. This calamity did not leave him exhausted, spiritless, dejected, fallen. No! it roused him to still greater exertion. What was the spirit he breathed upon that occasion? What were the measures he suggested? To what his thoughts were turned in that anxious crisis, the minute that he recorded upon that event I best explain to your Lordships

The Governor General delivers in the following minute:—

This is not a time either for long deliberation at home, [or the formal

Minute of
Mr. Hast-
ings.

4th. That an immediate offer of peace be made to the Maratta state, 17 FEB. 1792.

in the mode and on the conditions following; viz., that, as the ministers of that state have professed a desire for peace, which has been equally the wish of this Government, even from the commencement of the war; and as the attainment of it seems to have been hitherto impeded by the difficulty of managing a negotiation between the principals, situated at so great a distance from each other, to preclude all further delays, we do at the same time offer peace, and bind ourselves to the observance of it, on their acceptance of the following conditions, viz. :—

“1st. That all acquisitions made by our forces in the course of the war, and retained in our possession as the property of the Company, shall be delivered up and restored to the same footing as that on which they stood before the commencement of the war; but that such as have been conquered and ceded in virtue of formal treaties shall remain, and be confirmed to the persons to whom they were so ceded; and the treaties concluded with them remain firm and inviolate.

“2d. That a provision be made for the maintenance of Ragonaut Row during his life; and that he shall be permitted to reside where he pleases, excepting Bombay or any place nearer to Bombay than Surat, but shall receive no assistance from the Governor General and Council of Bengal, nor from any other Presidency of the Company; nor, if he shall chuse any of the Company's Presidencies or settlements for the place of his residence, shall he be permitted to reassert his pretensions to the administration of the Maratta State, without the entire and universal consent and requisition of all the members of the state, who are included as parties in this treaty.

“3d. That the Peishwa and rulers of the Maratta State shall agree to an alliance, offensive and defensive, with the Company, against the French and Hyder Ally Cawn, and shall immediately employ their forces in conjunction with ours in the invasion of his dominions, and in the prosecution of such operations against him, as the circumstances of the war, and the judgment of those who have the conduct of it on both sides, shall determine; and, if, in the course of it, any acquisitions of territory shall be made, these shall be equally shared between the parties to this engagement, in such manner as shall be most suitable to the situation and contiguity of the places or dominions at this time respectively held by them.

“4th. That if the Peishwa will not agree to the proposed alliance, peace be nevertheless concluded, each party retaining what it hath acquired; or that a suspension of hostilities shall take place on both sides during one year from the date of the treaty, for the purpose of negotiating the terms of a future and perpetual adjustment.

“5th. That the treaty shall be concluded with the mediation and guarantee of Rajah Moodajee Boosla, who shall be a subscribing party to it, and shall bind himself and his successors to the faithful observance and support of it.

“6th. That the treaty shall be sealed, signed and sanctified, by the respective parties to it, with the most solemn oaths prescribed by their respective religions.

“7th. That one copy of the treaty executed in manner above prescribed by the Governor General and Council of Bengal, being received by the Peishwa or his Ministers, two copies or counterparts thereof shall be in like manner executed by the Peishwa and principal rulers of the Maratta State, and Moodajee Boosla as the guarantee to it, in

"5th. That a letter be written to the King of Benary, and a similar order to Gwalior, requiring and commanding them in relation to their military operations on the frontiers to that effect, and a notification from the Government has been given on his part to the British army; and that the Peishwa be desired of peace, he may make the arrangements accordingly.

"6th. That the treaty being executed by the Council, in the manner specified by the 4th Resolution, it be forwarded to the King of Benary; that if he should approve of it as guarantee, it be executed by this Government to the King in the manner prescribed by the 6th Resolution.

"This is all that I propose as immediate arrangements; the Governor-General in-Chief will offer such a plan for the distribution of military arrangements, as appertain to his province."

"Other subsidiary measures may be taken."

Suggestion
by Sir Eyre
Coote of
demand of
1,000 horses
from Chyett
Sag.

My Lords, in addition to what I have already said, I have to mention that the Governor-General in-Chief, Sir Eyre Coote suggested for the King of Behar a thousand horses, from the Raja of Benares. This is deferred till a later opportunity.

* Mr. Hastings' Minute, dated the 25th September 1782, Appendix, No. 310, to the Sixth Report from the Committee.

VISION OF THE SPEECH OF EDWARD LAW,
COUNSEL FOR THE DEFENDANT, IN
GIVING THE DEFENCE UPON THE SEVERAL
ARTICLES OF THE CHARGE ; 21 FEBRUARY, 1792.

WORDS,—I am not aware that I can in any manner 21 FEB. 1792
express the high reverence I bear to this tribunal, Desire to
in a manner more suitably exhibit the gratitude which compress
you owe them for the very patient condescension with which the subjects
you have heard the observations and arguments I have of the
pleased to lay before them, than by abridging and reducing address.
to the narrowest possible compass the remaining topics
I have now to offer to their consideration. I trust I
shall be able to reduce those topics within that compass of
time which your Lordships ordinarily allow for the sitting of

leave to draw your Lordships' recollection to the
time at which the matters which I took the liberty
of bringing before your Lordships closed, on the preceding
evening, the period of September, 1780, at which time Irruption of
the troops were entered by Mr. Hastings and Mr. Francis Hyder Ali,
who took the liberty of reading to your Lordships, into the
the close of the last day. Carnatic, in
1780.

Your Lordships will recollect, that, at this period of time,
the troops of the East India Company had received a very
great blow by the irruption of Hyder Ali into the Carnatic;
the loss and destruction of a very large and powerful
part of our army: and your Lordships will recollect
the delay and despondency which that event had occa-
sioned in every part of the dependencies of the Madras
Government.

Now, I stated that this event found Mr. Hastings Firmness of
ready to meet all the exigencies of that alarming Mr. Hast-
; that he directed his mind to the after resources ings.
which might enable him to supply the failing aliments of life
; that he displayed all that magnanimity which I
take to be his characteristic in every situation of emer-
gency whenever his country or the Company have had any
business upon those qualities.

him in a situation of similar to Bengal, and was calling upon y which of them had that spirit w emergency—which was that se fitted to the situations of dange extricate his country and the Co Your Lordships see the charac servants strongly pictured in the

Mr. Hastings tells them it upon them for the most instat exertions. The language of Mr more coolness and caution. H fifteen lacs, which was proposed to supply the Presidency of M larger than their own occasions. And, as to sending any troops, position, concentrating all his ca Government of Bengal; solely individual province, and separat of British dependencies.

Endeavour
of Mr. Francis
to withhold troops
and money
from
Madras.

Mr. Hastings was animated by gave to the Presidency of Madr wanted—the best boons that i Company to bestow. He gave powerful army, and an ample opponent would have given because the absence of the ge voice in the Council. He, there proposition of delegating the ge

Lords, if this cold, this frigid, counsel—this political unanimity—for I mean no other—should have at that time been carried into effect, and if, for the punishment of the British nation, at that period or at two other times which I shall shortly state, two unfortunate crises, if this gentleman had been able to carry into effect the measures he proposed, we should have now been talking of the British empire as we talk of the Ghuznian empire, and the Seiad dynasty. Thrice was your empire in peril by the measures of this gentleman. Thrice was it saved by the gallantry and spirit of the honourable gentleman who assisted me!

21 FEB. 1702.
Danger to the empire from Mr. Francis's pusillanimity.

The same language of cold prudence was held in 1778, when it was proposed to send a detachment overland, under General Leslie; and which, by the negligence of that officer, was to a certain degree, yet, afterwards, under the command of Colonel Goddard, was able to restore the strength and vigour of the British power on the western coast of India. After the dismaying event of the convention of Mundaum, and the calamity that attended the attack upon Calcutta, if his vote had been successful, upon that occasion, he deprecated the detachment of that force as weakening the strength of Bengal, which he contended was the vital point which in all our consultations and considerations we were to look to, if he had succeeded, to the extent of preventing that force going at the moment in which the success of the expedition against Poona happened, that our settlement of Bombay would have been at an end, and all our force upon the western coast must have been lost, and that member of our dominion would have been cut off from the British crown for ever.

Danger from the same cause to the expedition to Bombay.

There was another calamitous period, in which the same measure would have produced the same effect. For, my Lords, the want of immediate protection of the country in which we were situated, without considering the effect on other parts of our empire, is, as everything personal and narrow is, politically mischievous. And it would upon this occasion have been essentially so: for that measure, which had the opposition of this gentleman, I mean the measure of detaching a force under Colonel Camac, proposed by Mr. Hastings in 1780—for the purpose of carrying which measure he voted his character, in the acceptance of that present, his own personal risk—that measure, by so many attempts and ultimately achieved, had never been

Opposition of Mr. Francis to the measure of detaching Gen. Camac.

on another day. It had its the gentleman on whose cor and I consider it as a fair c conduct of the gentleman bef if the measure of the one or o would have been the different of which we are now consider Camac's detachment had be Colonel Leslie's, from the n that narrow prudence would empire.

Mr. Ferris's
opposition
to supply of
troops and
money to
Madras.

Again, in the year 1780, when it was proposed to ec supply of money, and with a l if the minute of that gentlem had been only leave given to force to sustain him and wit the object of the expedition v destroyed, and no effective se procured to the country. Fe had succeeded, do you think his well acquired fame in th have suffered himself to be se have suffered himself to be go to that dispirited army calamity that had happened forcement of fresh soldiers, n were there? Is it possible fame on such an enterprise? have been frustrated if the

to suffer the calamities of war, rather than bring my home to our own doors, and plant them in the art of Bengal. The consequence would have been, it not sent that force—and we could not have sent it the terms of Mr. Hastings' proposition—that Madras have fallen; that instantly the Nizam, and then Mulla, [would have been] driven to assist in the operation of the confederacy with the Mysore army; and we no longer have had place or name in that country. occasion and every other, Mr. Francis reminds them recollections of the court of Directors—"Remember what fathers have often told us"—and puts them in mind of on of instruction they had received from home. But son must be always qualified by a proper adaption of circumstances. The Company never had, nor could contemplated, such a situation as that in which they were then called to act; and, therefore, it was ly necessary for them to qualify the preservation of with the existing circumstances, which called upon protect the other dependencies, on which their safe y ly rested.

lords, what was the general and who was the person . Hastings thought proper at that time to put at the this force? Fortunately for his country, the service ish a person who had acquired as much glory in that , to which he was now about to be sent the principal der, as any other servant—or more than any other, exception of Lord Clive—had acquired, in all our ns in India; for the signal victory of his at the battle livash is certainly classed by every historian, and erson well weighing the event and consequences of erations of war, the next to the battle of Plassey, in e was an useful instrument himself. Colonel Coote, served at the battle of Plassey, was afterwards in id on the coast. At that time, the French and British eing nearly equally poised in point of strength, the f Vandivash gave that superiority to the British force French power never raised itself with any considerable enceforward to this hour. Colonel Coote, setting aside ive troops on both sides, defeated an equal number ch with a very moderate part of his own army. His er and conduct were so eminent, that the lustre of an which would at other times enoble a campaign is lost in the superior splendour of Colonel Coote. I

21 FEB. 1792.

Appoint-
ment of Sir
Eyre Coote
as general.

His previous
successes.

I only mention this of Sir Eyre Coote was of military glory in and other fortresses, w now with the mention Vandivash soon afterw have held from that m the Carnatic.

Submission
of Sir Eyre
Coote of
about 1,000
from Cheyt
Sing.

At this period, I have powerful importunity of t to give to the army that w whose name inspired confid conducted and successful en gists, likewise, a distribution to suggest a distribution, of occasion; and Sir Eyre Co that might be necessary to l there would be detached to t upon one view, and four upo will state presently—thought strengthen the provinces of B assistance he could procure for th moment, Mr. Hastings suggests th be obtained from Cheyt Sing, as t Coote, for the necessary defence c when it would be exhausted, to internal and ordinary strength.

Negotiation
with the
Rajah.

The consideration of the force upon the occasion; and Madras, 1782.

um, till the result of this negotiation with the Berar 21 FEB. 1792.
ight be known. The result of that negotiation was, Free passage
pplication of a part of that money stated to have allowed to
rtainly received by Mr. Hastings, and for which he British
n question before you—by the application of three troops
mediately to the army under Chinnagi Bosla, the through
he Berar Raja—that they were induced by that, and Orissa.
sequent negotiation, when a further sum was given,
it the free passage of the British forces through
by the way of Cuttack, over a sort of causeway, with
on one side and morasses on the other—the only
le way by land by which they could communicate
coast of Coromandel: that pass afterwards was left
the British force. The Commander of the Berar
rmy drew that army away, under pretence of going
e Raja of Decknall, and left the passage open, for
ch of Colonel Pearce and the army that were to go
e Madras.

ords, he did more. By the successful employment
means, and by a negotiation opened upon a broader
by Mr. Anderson afterwards, not only the forces Supply of
mitted to enter Orissa, but they were supplied by a provisions
bazar of provisions, furnished by the Berar Raja.
whole course of their passage. Nay, more—so far
force of that power transferred in the opposite scale
which it had been placed before—that of the hostile
acy—that 20,000 horse attended us all the way to
thern Circars, to protect and lend any kind of assist-
it might be necessary for the purpose of mainte-
r any other want that such a body [as our army]
e subject to. This was the effect of one of Mr.
s' reprobated acts of government!

yre Coote, upon his arrival on the coast:—and I would
tion, before I land him upon the coast, how little
ordships, in a great question of this sort, are to weigh
deviations from the letters of orders. Had Mr. Hast-
ng upon such points at this moment the country
ould have been lost. There is a subsisting order that
pany's ship is to navigate these seas during the
n. The general, the treasure they sent with him, the
hat were to sustain him, were all navigated in laudable
of these orders—exposed to the risk, indeed, of that
in these seas:—being arrived at Madras, he restored

Judicious
disobe-
dience of
orders of
Directors
in forward-
ing the
troops.

Increased
allowances
by Sir Eyre
Coote, &c.
1798.

Consent of
Mr. Hastings.

Previous
dissatisfaction
of Gen.
Clavering
with the
allowances.

Absence of
personal mo-
tives to Sir
Eyre Coote.

He had arrived in the year 1798, felt a considerable degree of dissatisfaction with the allowances which he was to receive for the British forces in that settlement. I think, by at least three-fourths of the provincial Commanders. He felt some indignation against Mr. Hastings, conceiving that, in view of all the circumstances, the want of emoluments of their military service, and did it as an act of the British Government to the field allowances of this country, to the distant stations, and the various functions of that command called upon him to perform, without diminution and injury to the public, though Sir Eyre Coote had the same salary that General Clavering had, yet your Lordships may be competent for me to prove that he expressed great dissatisfaction with the minuteness of the sum allowed him, and visited the remote stations, and was necessarily be a sufferer to a considerable fortune.

Sir Eyre Coote arrived in the year 1798, and found a hostile confederacy was formed against him, and was necessary to secure and superintend the force and its dependencies.

stands acquitted of any idea of personal consideration. Nor ^{21 FEB. 1792.} ~~an~~ any motive be suggested for this transaction but a purely honourable public one.

I stated that Sir Eyre Coote, about the close of the year 1780, had sailed for Madras. Soon after he arrived there, when the empire hung upon his sword, when any alienation of his mind from the great public service upon which he was employed might have been a mischief of incomputable extent to the Company and the British nation—at that moment, an order arrives from England directing these allowances to be discontinued. I will not stand upon how far it may be in proof before you that Mr. Hastings had any notice of, or gave approbation to, the continuance of these allowances at the expense of the Wazir. There is a letter written by Mr. Crofts to Mr. Grisow, in which he mentions these allowances to have the approval of Mr. Hastings, and desires that they may be paid to Sir Eyre Coote; and Mr. Hastings, in his answer, referring to it, is in some measure supposed to recognise the existence of that order. I do not stand upon it: I will give them more proof than they have upon the subject. If Mr. Hastings had not done as he did, in soothing that great officer at that time, when he might have been very much affected and very indignant at the sort of treatment he received at that moment—if he had not done as he did, he would have been wanting to the interest of his employers. The Company, at the time they gave these orders, which were received in April, 1781, did not know how urgent would be the situation of their affairs at the time of the arrival of that order. They did not know that Hyder's vow had been nearly accomplished—that he would not leave one white face to be seen in the Carnatic by the next monsoon. They did not know that whether they were an empire in India depended upon the exertion of that person whom Mr. Hastings had sent in supreme command to that station, and the manner in which that command should be exercised.

Order of the Directors for discontinuance of the allowances.

The Directors ignorant of the dangerous state of affairs in India.

If Mr. Hastings could have called before him all the collective Proprietors of the India Company—if he could have put to them the situation of peril in which he was placed and in which their possessions were at that moment situated—if he could have consulted with them—what would have been the answer they would have given? They would have approved his conduct. They would have said —“ We were too narrow in our allowances. We did not

Probable approval of the Proprietors.

Mr. Hastings.

Vindication
of Mr. Hast-
ings.

I am unwilling to treat Sir Eyre Coote much at present, when the safety of that officer, and the great man which threw off his eminent qualities, I should but praiseworthy by his name; he exposed his risk of that which at this time of the country that he should be inclined to impudence, for the merits and if you should be inclined to trust you will think that upon that gentleman at you.

Mr. Hastings' loss of power in the Council by absence of Sir Eyre Coote.

My Lords, I before stated originally proposed in 1780, personal motive, inasmuch of the general in Council. ever. He gave up every personal interest; he made at that moment, in suggestion of sending Sir Eyre Coote.

No evidence of the presents beyond Mr. Hastings' own discovery of them.

My Lords, I would observe complete discovery of Mr. Hastings' presents, you have yet at whatever, notwithstanding and every means applied, but—because no instance exist

ied with a different purpose. This my Lords is the 21 FEB. 1792.
 uage in which they hail their defender. This is the
 uage in which they disavow the accusation of him and
 defence of themselves.

ly Lords, I will state, in a few instances, in what manner Contrast of
language of
Mr. Hast-
ings' accu-
sers with
that of the
people he
governed.
 Defendant has been regresented at your bar. I will
 e the genuine words as they fell from the lips of his
 sers, and I will not use a word of comment upon them.
 r Lordships' own enlarged and liberal minds will make
 application and the comment. I will then contrast that
 age, in which he is described by those who do not
 r him, with the language which is used respecting him
 hose who do know him, who have lived under the
 ings of his beneficent administration, protected and
 y, for thirteen years!

ne description of him is, that he has "a heart blackened Quotations
from
speeches of
the Mana-
gers.
 ne very blackest"—a heart "gangrened to the very
 "—"that he is the head, the chief, and captain-
 al of iniquity; one in whom all the frauds, all the
 ations, all the tyranny, in India are embodied and
 lined in array."† I shall not undertake an Herculean
 r of the least delicate sort, by travelling through the
 e of this language which has been applied to Mr. Hast-

I shall certainly state a very few instances, merely
 e purpose of a contrast, which I shall apply presently,
 testimonials given of his conduct and his government,
 which the tables at the India House have been covered,
 with which, if I understood the honourable Manager
 ly, he proposed that your Lordships' table should be
 red, before the prosecution closed against Mr. Hastings.
 has been described as "ferocious, ignorant." This, as
 ied to the understanding, is not so material. Then, as
 e whole British language would not furnish terms of
 oach, the learned Managers have, forsooth, pursued their
 uries for convitiatory terms into the language of the
 ents. I wish they had either given the language as it
 [mean for the sake of the excellence of the language—
 at they had translated it, as they well could, themselves,
 not given us the meagre and bald language with which
 f the Managers favoured us :—

When we hear of evils such as these it is scarce possible to conceive
 hey should all arise entirely from the acts of one man. No, not of

See Mr. Burke's Speech in opening the prosecution, vol. i., p. 7.

Ibid, p. 8.

is the last act of many corrupt and
 wicked—like whom, if no reg-
 ular, the accused, destroyer,
 involved in the general de-
 struction, be considered as the
 model.”*

And so he goes on, per-
 oration of Demosthenes †, in a ve-
 ry manner. The honourable M.
 might have rendered it in-
 creasing in harshness,
 him “to have the foul
 beam of war;”—“to be
 from a here simple to
 stop; language can go
 needed for the purpose
 reproach and contumely.”

Now, my Lords, bear
 best know him. This
 of Moorshedabad:—

“It is written for the infer-
 power under the King and Co-
 time learned by the news from
 acquainted with the real state
 acted matters with respect to
 have thrown the minds of the
 state of doubt, and have injur-
 As Mr. Hastings, from the time
 turned the affairs of this court
 always sought the prosperity of
 Mohamed Jaffer Khan, decess
 and engagements; beloved of
 the honour and character of ev-
 and avoided every circumstan-
 indignity, we were and are plus

* See the Speech of Mr. Grey,

† The sentiment and, in some
 Oration of Demosthenes in Defence
 Athens, as you walk and converse
 man alone. Not by one man alone
 but by a multitude of abandoned
 and among whom Achilles mu-
 tually incline, this Achilles who
 and unreserved declaration, I show
 of all the men, the territories as
 space of these fatal measures; be-
 larrest.”—Oration of Demosthenes
 1758, vol. II, p. 432.

‡ Printed in the “Minutes of

Speech
 of the
 Government
 of Moorshed-
 abad, in
 1758.

My Lords, there are a multitude of others in which ^{21 FEB. 1792.} ^{Other testi-} ^{monials.} bodies of men are attesting, and attesting not by a mere signature, but by the solemnities of their religion, invoking the Divine Being for the truth of that which they signed and uttered. There is not a district hardly in all India, where the influence of his government may have reached, which has not sent forth these testimonials to his character, to his virtue, to their own sense of the important blessings they derived under his beneficent administration.

One of them says, swearing by the prophet and holy Evangelists,—

“Without ever having seen Mr. Hastings, I am thankful to him. In truth, that excellent gentleman was without an equal. Even in former times there were few rulers so just, and possessed of such liberality, that all mankind, from the high to the low, from the great to the small, should, on all accounts, be thankful to him; that not one individual of the whole human race should complain of him. God is witness that the late Governor General is one of those rulers who are of distinguished eminence. Wherever he is, may God preserve him under his holy care and protection!”*

My Lords, this is the manner in which the people of India speak of the man who is supposed to have made vexation and degradation, if not his object, the result, at least, of his government.

My Lords, at this period of time, about the year 1780, ^{Desire of} ^{Mr. Hast-} ^{ings to de-} ^{tach the} ^{Nizam from} ^{the con-} ^{federacy.} Mr. Hastings thought it necessary to divert another member of this confederacy from purposes which were hostile to this country, I mean the Nizam. He had been offended of old time, as I stated to your Lordships, by retaining from him—what he had indeed granted—the Northern Circars; but he had received more recent offence, by retaining the succession of the Guntoor Circar from [his brother], upon whose death it was to devolve to the Company. He was soothed by [the concession of the Circar]; his own tribute was adjusted with him, and he was, as well as another member of the confederacy, Mudaji Bosla, also detached from them. In a short period of time after, Madaji Scindia was, as its consequence,

* Printed in the “Minutes of the Evidence,” p. 2380. At this point the counsel was interrupted in his speech by a question from Mr. Burke:—

Mr. Burke.—I beg pardon for interrupting the learned Counsel; but I beg the favour of being informed who this anonymous swearer is?

Mr. Law.—I would gratify the honourable Manager, but I have laid it down as a rule to myself, in order to avoid any interruption to what I am discussing, [to give no reply]. The honourable Manager is acquainted with the fact; if it answered any purpose of information to him, I would most readily communicate it.

dependent
on Government
for supplies.

Mr. Auriol's
agency.

Recent re-
currences to
agencies for
supplies.

System of
accounting
upon
honour.

stated what force he found in the whole Presidency of Madras, Carnatic and Tanjore, from supplies of grain, wholly was the sustenance, for all the natives. These aliments were supplied an excellent contract, or rather time entrusted to Mr. Auriol, an excellent supply to the settlement, as it turned out, per- and which failed in no more common case with almost a substance of the contractor, the risk attending performing.

By advices, since the last India, we find that the mode mended to be adopted in all cariousness, at least in time of therefore, confirming strongly conduct, in entrusting the supply upon which everything important source than that of agency—who is enabled, by an immediate to supply the money to the people and to sustain by that supply part of India.

It has been suggested, that with Mr. Auriol, he was to upon oath. That was a fact in the agent, not buying the a

s and the reasonableness of the terms upon which that 21 Feb. 1792.
 was granted.

withstanding all these supplies, Sir Eyre Coote still Apprehensions of Sir Eyre Coote from failure of supplies
 ned in a state of great anxiety as to his army. His

are full of the most urgent importunities to the Bengal
 nment; begging them, for God's sake, to continue
 nsparing liberality with which they had hitherto sus-
 them, and stating, in the most urgent and feeling
 that all their safety, their being, political and natural,
 led solely upon the provident care of Mr. Hastings.

this time, Mr. Hastings was draining the treasury to Deficiency in the treasury.
 the armies actually in the field, and the troops in

l were some months in arrear. At this moment, in
 r of the year 1780, the treasury had a balance of 29
 ainst it. Allowing the 15 lacs that were sent with
 re Coote as a deduction, there was at that time,
 ing the expenses to the 5th October, a deficiency of
 ; and, even in the month of February following, there
 the treasury of Bengal no larger a sum, in actual
 specie, than 30,000 and odd rupees; the whole trea-
 nstituting altogether no larger a fund than 11 lacs of

his period of distress, it seemed fitting—I arraign not Retirement of Mr. Francis at a period of extreme difficulty.
 tive—it seemed fitting to Mr. Francis to relinquish
 some duties of his situation and to retire within the
 ll bosom of his native land, while every thing that

lamitous, while the blow that was expected from
 , was impending, and was every moment expected to
 upon the devoted head of the British Government.
 t moment, with a treasury exhausted, with a dispirited
 with nothing safe but what was under the immediate
 ll of Mr. Hastings' government of Bengal, and to
 alone Mr. Francis's apprehension seemed to have
 ed, and which Mr. Hastings had preserved from all
 of fear by having begirt it with alliances—Asoff-ud-
 to the north; the Berar Raja to the south—in short,
 girded it round by an impregnable barrier of allies,
 fected to and compacted to the British Government—
 t moment, when nothing was safe but Bengal, but
 all the rest of the hemisphere was clouded by every
 t and every coming calamity—at that moment, when
 mpest lowered and thick darkness and clouds were
 ing—it seemed fit to Mr. Francis to relinquish his
 on, which held out at that time no further lure either

His prediction of the downfall of that empire in India.

Justification of Mr. Hastings' conduct towards Cheyt Sing and the Begums.

Demand of troops from Cheyt Sing.

British part of Europe into as infused the same sort of sentiment. On the 25th of September, 1780 [into] his dispiriting conduct. Her wrote a letter to the Company, full of the British interest, which was labouring to falsify the hopes of others and to lay

My Lords, at this period of if Mr. Hastings had felt more utmost indignation—against that of an obliged and favoured dependency. If at that moment he had not drops of that cup of bitterness to the dregs, it would have been made some allowance to him. But I will not ground any principle upon anything that shall be said of Cheyt Sing or the Begums, as founded in respect to them was founded of the relative situations in which the Company, under their respective terms of this convention, or country, or the general policy between sovereign and subject, lived world.

The period had arrived, I believe—November, 1780—in which for the active assistance of the

made upon it. He made a demand upon him for a 21 FEB. 1792.
By imperium in imperio, it is not suggested that
 shall keep for his own state and pleasure that
 which the general sovereign of his country has need of.
 force asked, at first, by the private communication
 in the Resident and him, was such a quantity of force
 as he conceived he could conveniently have supplied :
 as asked for two thousand horse. Could he have
 sent them? Yes! More appear in complete array and
 sent. The stationary troops, constantly in his pay,
 amounted to 7,690 regular forces. Of these, above 2,500
 cavalry; and, in addition to this, a number, to the
 total of 22,000, was within his immediate call from his
 alliances and other connections, whose force he could
 bring into the field. The whole embodied force of this man,
 added to the tumultuary force of husbandmen and
 when he raised his rebellious head against the Com-
 mand mounted to 40,000. Now, what is the demand made
 on the British Resident? He asked for two thousand. He
 himself incompetent to yield any such number. The de-
 mands sink to 1,500—to 1,000—to 500. He refused the 500.
 250 were asked, but not sent; and the Resident re-
 ceived him when he was in his palanquin, and attended by
 far more than equal to the number I last stated, which
 might have well spared in the exigencies of the Company.
 He usually attending upon him a force which might have
 met one of our requisitions, at least. He had, at the
 Mr. Hastings came to Benares, attending upon him,
 or insult and to show how unfounded his resistance
 demand was—he had attending him, as appears by
 extracts in the Benares Narrative, at least 600 horse,
 sent him for state. And this man refuses 500, and
 to send 250! Is not this ingratitude, aided by the
 contempt of our power? Is not there every mark
 of secession, and contempt of the British power and con-
 duct, couched in this refusal? For he dared not have
 refused, if he had not conceived that we were too weak to
 force the demand. Would this man have ventured
 to refuse any of the native princes of his country,
 or in equal situation of right? Had Suja-ud-Dowla
 ordered them, would he have trifled in this manner?
 Here, instead of blaming Mr. Hastings for his intending
 to levy upon him the sum of 50 lacs, I blame him—
 Sing having forfeited his tenure under the Company

His refusal
to furnish
the required
number.

Numbers of
troops
usually
attending
him.

Greater se-
verities war-
ranted by
his conduct.

every sepoy.

The demand is sup-
plication of Mr. Hastings
circumstances, and by no
extended to the sum of
yield? According to the
1775, it would have yielded
hands, fifty lacs. Then it
his zamindary. Is that
the net profits of his zam-
indary had forfeited the whole :
donation. I bottom mys-
contumacy—the refusal of
aid, in the shape of the
reduced, of five lacs annu-
last, of them ; and, ultim-
force, demanded in the crisis
the year 1780—were a renu-
the Company ; were a forfe-
in virtue of his sanad ; and
with a perfect right to have
dary, and to have reduced
nothingness from which his
Dowla.

Chief Magistrate
reinstated
into a re-
novation
of depen-
dency.

Question of
merit of
punishment.

My Lords, I think I have e-
ing of punishment for his act
there is no established mean
punishment is to be proportio
offence, the Government must
itself, according

consideration to this extent alone, namely, in inducing ^{21 FEB. 1702.} to elect that mode of punishment instead of any other. Any party who is to inflict the punishment, if there be no fixed mode according to which that punishment is to be exacted, may elect that mode of punishment—the quantifying appportioned according to the rules of justice—elect that mode which would equally answer both the ends of justice and example to the country. It would equally answer both, whether this man was dispossessed of a country or whether he paid a sum of money for the redemption of the whole.

During this period of time, Mr. Hastings went up to Oude, for the purpose, as he states, of improving the interest of the country in its sovereignty. And how that interest could be improved, otherwise than by enforcing the duties of a subject to the sovereignty, I do not see. The Lord states that as one of the objects he was pursuing, was, the pressing interests of the Company in the conduct of that zamindary. Another purpose was to settle concerns of the Company with the Government of Oude, settling terms with Mudaji Bosla.

Mr. Hastings' visit to Oude.

Objects of the visit.

It has been stated as contrary to a fundamental rule of the Company, that any member of the Council should depart from the settlement where his presence is immediately required—"We strictly enjoin that all our affairs be transacted in Council, and that all of the Council do reside upon the spot." These are orders in the year 1702, and which were produced to your Lordships as militating with the conduct of Mr. Hastings and Mr. Wheeler in the month of May 1781, when they delegate Mr. Hastings with a commission up the country, for arranging those affairs, with the assistance of his other coadjutor and joint councillor, Mr. Wheeler, who was then left at Calcutta. It is stated to be contrary to the Company's order. Would your Lordships conceive that the order here recited and stated by the Lord was not an existing order? You would not contend that it was repealed; that it was as dead a letter as the law now about witches? But it is so. It was repealed long ago; but it was formally discontinued in practice for a number of years before—indeed from the time of our having any interest in the territorial government of the country.

Rule against the absence of a member of the Council.

The regulation repealed.

In the year 1762 or 1763, at the time when the troubles between Ali Khan broke out, almost all the principal

In the year 1770, regulation, in effect rev that the members of the those chief chairs of the reside upon the spot. B September, 1772, that fo Directors state that they t with those salutary effect duod. From that momen the Council was not confine

*Testimony of
power of the
Council
given to
one of the
members.*

The practice of the Com of instances, to appoint on a eipal member of their Counce sirtart, then Governor, with which he desired upon that purpose of conferring with treaty of Moughyr, which v Clive and General Carnac, i the same delegation, authoris the year 1778, the commission Dowla were delegated in the powers. Mr. Hastings, in the y when he made the treaty of upon the coast, Lord Pigot authorities. In the year 1787, Hastings, Lord Cornwallis wa similar powers. The Company either a doubt of the legitimacy priety of confirming it.

astings, in 1781, by an instrument of delegation from 21 Feb. 1792
 and Mr. Wheler. And I know full well that an Act
 was passed, because of the question being agitated by
 proceedings in this Court, confirming that order and that
 decision. But I use the argument thus—that, that order
 made, shows the opinion of the Government of Bengal
 subsisting practice; and, that it was confirmed, shows
 the opinion of the Legislature of the propriety of that prac-
 tice and of the fitness of that delegation.

being removed, as I conceive, the objection to the dele- Exercise of
the power
delegated.
 I will now consider in what manner the powers thus
 vested in him were exercised.

It will not trouble your Lordships by detailing at length— The visit to
Benares.
 as far as it may be material and fitting upon this occa-
 sion you will hear more fully presently—all the circumstances
 attended the progress to Benares; his interview with
 the King; the arrest which he properly put him under,
 the purpose of notifying to him and to the country that
 the acts of contumacy would not go unpunished; the open
 rebellion which followed; the destruction of a considerable
 number of British subjects, who had composed part of the
 army and the force under Lieutenant Stalker and Lieute-
 nant Scott. I will not take notice of the other circum-
 stances by which open rebellion and defiance was declared
 against the British power in India.

For these acts, it was no longer a question what part the Necessity
for punish-
ing the
rebellion.
 Government were to take, or to what extent they
 should push the punishment of this rebellious vassal. It
 would have been inconsistent with every idea of their
 justice in that country for all time to come, if there had
 been one unpunished and forgiven instance of such daring
 conduct against them, by a person who had drawn them
 into a situation of considerable peril. It would have de-
 stroyed for ever that opinion and that estimation upon which
 the safety in that country rested. Neither will I detain
 your Lordships upon the measures which Mr. Hastings after-
 wards adopted, for the purpose of settling the revenues of
 that country in a convenient and proper mode of receipt, for
 the benefit of the Company; varying expedients, which he Settlement
of the coun-
try.
 was obliged at different times to adopt, for that purpose;
 but, however, ultimately succeeded in giving that country
 the blessing of a well-regulated government, and—of all
 the greatest blessings—which gave them the regular
 administration of pure and enlightened justice, in the person

THE ASSOCIATED PRESS. 3

He is the man who, in
before your Lordships,
more of your time than
the subject, is the objec-
tion and love. The
Muslimans, thank the
last, best, blessing, a reg-
excellent person. I say
many persons to whom
believe, from the best of
of his character, that it
that there does not exist
with more heavenly virtues
whose name I have met
yet, without hearing of
accomplished and virtuous
a man who, in his single
more ways to Heaven
done nothing but this—
India had been spent in
himself have administered
that he had given to the
part of it—by, at last,
situation in which he could

Meeting of Mr.
Hastings in
appointing
him.

His character.

From that time to the
the administration of the
extravagant upon the
dissents or entertains
the praise I am besto

kind to the British nation that can exist in man. And 21 FEB. 1792.
 is the man who is stated as dishonouring the Com-
 ; by being placed in the first seat of justice in that
 try! I have volumes of expressions of gratitude, by
 le of every faith in that country, to Mr. Hastings, for
 beneficent administration which he had been the means
 obtaining for them.

rior to the ultimate distribution of the affairs of Be- Meeting of
Mr. Hast-
ings with
the Wazir
at Chunar.
 Mr. Hastings advances to Chunar. There he meets
 Wazir, and he takes the ten lacs he offers him, which
 absolutely at that moment necessary to saving the sink- Acceptance
of 10 lacs.
 dependencies of Bengal. And how is he detected in this
 pernicious corruption? Why, the money is found in
 pockets of the poor sepoy, instantly issued in their pay!
 sent, part of it to Muir, part here and part there, to
 the distresses that were pressing upon the Government
 Bengal and the army in their pay. Mr. Larkins tells
 that, before the communication which Mr. Hastings had
 only made to him of this present, he had detected it.
 By the incorrupt, virtuous, patriotic, application of
 the service of the public!

by Lords, as much may be rested upon the communica- High cha-
racter of Mr.
Larkins.
 to Mr. Larkins upon this subject, and it may be ques-
 ed whether he was a fit and proper repository of those
 its, which in many instances seem to be confined to him
 not measure, I will state who this worthy servant of the
 is, and you will judge from the testimonials of him,
 during the time of Mr. Hastings being in the chair, but
 over periods, whether he is a man likely to collude in a
 act of fraud.

in first letter I shall trouble your Lordships with is of Letters of
the Direc-
tors and
Lord Corn-
wallis in his
favour.
 of July, 1785, which was a period subsequent to
 Hastings quitting the chair,—

in the whole, the attention showed by the Council in framing these
 merits [merits our warmest approbation, and we trust he will con-
 the same exertions in this as in every other matter under his
 ment"]*.

the 21st of August, 1786, which was after Lord Corn-
 had taken the chair, in the general letter from Bengal
 Company, they state,—

testimony of the success of your arrangements, for which we hold
 Company much indebted to the labour and fidelity of your public

abstract of Letter from the court of Directors to the Governor General and
 of Calcutta.—Printed in the "Minutes of the Evidence," p. 2145.

e upon it. He made a demand upon him for a 21 FEB. 1702.
imperium in imperio, it is not suggested that

hall keep for his own state and pleasure that the general sovereign of his country has need of.

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His refusal to furnish the required number.

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ve well spared in the exigencies of the Company. lly attending upon him a force which might have ie of our requisitions, at least. He had, at the

Numbers of troops usually attending him.

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s in the Benares Narrative, at least 600 horse, im for state. And this man refuses 500, and id 250! Is not this ingratitude, aided by the

tempt of our power? Is not there every mark n, and contempt of the British power and con- uched in this refusal? For he dared not have

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evy upon him the sum of 50 lacs, I blame him— having forfeited hi. tenure under the Company

Greater severities warranted by his conduct.

consideration to this extent alone, namely, in inducing ^{21 FEB. 1792.} to elect that mode of punishment instead of any other. Any party who is to inflict the punishment, if there be no fixed mode according to which that punishment is to be exacted, may elect that mode of punishment—the quantity being apportioned according to the rules of justice—elect that mode which would equally answer both the ends of justice and example to the country. It would equally answer both, whether this man was dispossessed of a country or whether he paid a sum of money for the redemption of the whole.

During this period of time, Mr. Hastings went up to Oude, for the purpose, as he states, of improving the interest of the Company in its sovereignty. And how that interest could be improved, otherwise than by enforcing the duties of a subject to the sovereignty, I do not see. The object of the visit, he states that as one of the objects he was pursuing, was, the pressing interests of the Company in the conduct of that zamindary. Another purpose was to settle the concerns of the Company with the Government of Oude, settling terms with Mudaji Bosla.

It has been stated as contrary to a fundamental rule of the Company, that any member of the Council should depart from the settlement where his presence is immediately required—“We strictly enjoin that all our affairs be transacted in Council, and that all of the Council do reside upon duty.” These are orders in the year 1702, and which were introduced to your Lordships as militating with the conduct of Mr. Hastings and Mr. Wheeler in the month of May 1781, when they delegate Mr. Hastings with a commission up the country, for arranging those affairs, without the assistance of his other coadjutor and joint councillor, Mr. Wheeler, who was then left at Calcutta. It is stated to be contrary to the Company’s order. Would your Lordships conceive that the order here recited and stated by the witnesses was not an existing order? You would not contend that it was repealed; that it was as dead a letter as the law now about witches? But it is so. It was repealed long ago; but it was formally discontinued in practice for a number of years before—indeed from the time of our losing any interest in the territorial government of the country.

In the year 1762 or 1763, at the time when the troubles of Asim Ali Khan broke out, almost all the principal

Mr. Hastings’ visit to Oude.

Objects of the visit.

Rule against the absence of a member of the Council.

The regulation repealed.

density.

In the year 1770, a regulation, in effect required that the members of the three chief chairs of the college reside upon the spot.

September, 1772, that
Directors state that they
with those salutary effi-
duced. From that mon-
the Council was not con-

The practice of the Company, in several instances, to appoint a principal member of their Council, then Governor, which he desired upon the purpose of conferring the treaty of Monghyr, where Clive and General Carleton were delegated, at the year 1778, the same powers. Mr. Hastings, when he made the treaty upon the coast, Lord Cornwallis, in the year 1781, had similar powers. The Company, either a doubt of the legitimacy of confirming the

astings, in 1781, by an instrument of delegation from 21 FEB. 1792
f and Mr. Wheler. And I know full well that an Act
oe passed, because of the question being agitated by
ceedings in this Court, confirming that order and that
tion. But I use the argument thus—that, that order
made, shows the opinion of the Government of Bengal
subsisting practice; and, that it was confirmed, shows
inion of the Legislature of the propriety of that prac-
d of the fitness of that delegation.

ing removed, as I conceive, the objection to the dele- Exercise of
, I will now consider in what manner the powers thus the power
ted to him were exercised. delegated.

ill not trouble your Lordships by detailing at length— The visit to
as far as it may be material and fitting upon this occa- Benares.
ou will hear more ably presently—all the circumstances
ttended the progress to Benares; his interview with
Sing; the arrest which he properly put him under,
purpose of notifying to him and to the country that
sts of contumacy would not go unpunished; the open
on which followed; the destruction of a considerable
r of British subjects, who had composed part of the
and the force under Lieutenant Stalker and Lieute-
Scott. I will not take notice of the other circum-
s by which open rebellion and defiance was declared
t the British power in India.

er these acts, it was no longer a question what part the Necessity
h Government were to take, or to what extent they for punish-
to push the punishment of this rebellious vassal. It ing the
I have been inconsistent with every idea of their rebellion.
ity in that country for all time to come, if there had
d one unpunished and forgiven instance of such daring
ion against them, by a person who had drawn them
a situation of considerable peril. It would have de-
d for ever that opinion and that estimation upon which
afety in that country rested. Neither will I detain
Lordships upon the measures which Mr. Hastings after-
s adopted, for the purpose of settling the revenues of Settlement
ountry in a convenient and proper mode of receipt, for of the coun-
enefit of the Company; varying expedients, which he try.
bliged at different times to adopt, for that purpose;
s, however, ultimately succeeded in giving that country
lessing of a well-regulated government, and—of all
s the greatest blessing—which gave them the regular
istration of pure and enlightened justice, in the person

and to the British nation that can exist in man. And 21 FEB. 1792.

the man who is stated as dishonouring the Company by being placed in the first seat of justice in that country! I have volumes of expressions of gratitude, by every faith in that country, to Mr. Hastings, for efficient administration which he had been the means of procuring for them.

as to the ultimate distribution of the affairs of Bengal, Mr. Hastings advances to Chunar. There he meets the Wazir, and he takes the ten lacs he offers him, which is absolutely at that moment necessary to saving the sinkings of Bengal. And how is he detected in this pernicious corruption? Why, the money is found in the pockets of the poor sepoy, instantly issued in their pay!

Meeting of Mr. Hastings with the Wazir at Chunar. Acceptance of 10 lacs.

And, part of it to Muir, part here and part there, to the distresses that were pressing upon the Government and the army in their pay. Mr. Larkins tells us, before the communication which Mr. Hastings had made to him of this present, he had detected it.

Expended on the service of the Company.

By the incorrupt, virtuous, patriotic, application of the service of the public!

Lords, as much may be rested upon the communication of Mr. Larkins upon this subject, and it may be questioned whether he was a fit and proper repository of those secrets, which in many instances seem to be confined to him alone. I will state who this worthy servant of the public is, and you will judge from the testimonials of him, during the time of Mr. Hastings being in the chair, but in all periods, whether he is a man likely to collude in a case of fraud.

High character of Mr. Larkins.

In my first letter I shall trouble your Lordships with a copy of a letter of the 1st of July, 1785, which was a period subsequent to Mr. Hastings quitting the chair,—

Letters of the Directors and Lord Cornwallis in his favour.

the whole, the attention showed by the Council in framing these regulations [merits our warmest approbation, and we trust he will continue the same exertions in this as in every other matter under his management].*

the 21st of August, 1786, which was after Lord Cornwallis had taken the chair, in the general letter from Bengal Company, they state,—

in testimony of the success of your arrangements, for which we hold the Company much indebted to the labour and fidelity of your public

act of Letter from the court of Directors to the Governor General and Council of Calcutta.—Printed in the “Minutes of the Evidence,” p. 2145.

"The situation of the Accounts
your consideration. (You will be
fully the laborious duties of that
class application and strict integrity
much satisfied with Mr. Larkins, to
assist to promote the public ge
nature and with unflinching zeal
to be deprived of his services, I have
prevail upon my gentlemen to see
who from character, abilities, and is
considered as properly qualified for)

In a letter of a subsequent
upon this representation, I
salary; for they write—

"We have also resolved that th
be increased from six hundred sixt
two thousand four hundred a year."

I will not trouble your Le
the same sort, all speaking
incorrupt and industrious, ser
had within the Presidency of
Hastings communicates his pr
their receipt—communicates t
the purpose of their applicatio
receipt he makes him the d
full extent that any person
his honour in such a transact
and after such trust committ
was of a base and flagitious cl
Mr. Hastings' control, if he s
it from the purposes for which

increased
the salary of
Mr. Larkins
by

Communicat
tion by Mr.
Hastings to
Mr. Larkins
of the pro
ceeds be
received.

l, which would exclude the possibility of secreting any 21 FEB. 1792.
 se matters from their entire knowledge, if they should
 posed to acquire an entire knowledge upon that subject
 r future period.

ving received these ten lacs, and having thus applied Intelligence
of disaffec-
tion of the
Begums.
 whilst at Chunar—for he arrived there sometime in
 mber, the Wazir having arrived on the 11th of Sep-

er—he, about that period, hears of the disaffection of
 legums. That was communicated to him at the time Treaty with
the Wazir
for settling
the affairs of
the country.
 he was in treaty with the Wazir, for the purpose of
 ging the concerns of his dominions upon a better foot-
 with a view to the advantage both of the Company and
 a Wazir, which stood in need of such arrangement—

, from his own mismanagement, partly, from the ex-
 which he had wasted upon many improper subjects of
 vours, and, partly, owing to the expense which had been
 oned him by the maintaining so large a body of troops
 l been, indeed, maintained at different periods neces-
 with a view to regulating his affairs and subduing
 l rebellious vassals. The troops were burdensome to
 him and us, inasmuch as the advances he was enabled
 ke to these troops did, and must, come immediately
 the British treasures. In order to relieve him from
 hich was one of the co-operating causes of his distress,
 astings entered into a treaty; and it was proposed,
 other things, that the whole of the British force

Withdrawal
of British
troops.

be withdrawn, except that brigade which had been
 ally stationed there, from the time of Suja-ud-Dowla,
 single regiment, I think, to protect the Resident's
 Every other British inhabitant, except those connected
 he Resident's office, was to be withdrawn from Oude.

a treaty, couched in these terms, certainly opened to
 azir a considerable source of emolument and advan-

but it was the business of Mr. Hastings to see that
 advantage should be converted to the benefit of the
 any as well as to the benefit of the Wazir, and that
 which would enable him to pay off the debt he then
 to the Company, should be so applied; he, therefore,
 lies the other articles, to which he signifies his pleasure
 assent, by the addition of another article, which was to
 in the application of this money and to divide his pub-
 in his private expenses, subjecting the fund, in the
 lace, to the controul of his ministers, for the purpose of
 separation, under the inspection of the Resident. Of
 elity and attention of his ministers, Mr. Hastings was

Controul of
the Wazir's
public ex-
penses by
the Resi-
dent.

hostility
provoked by
the British.

gums, he heard that the con-
not properly and technically
Government of Oude, inasmuch
country were not our subject
guilty of the crime of rebell-
called—but that acts of hostilit-
try, having an immediate rela-
country of Cheyt Sing. He
fact was, that those instanc-
brought home and establishe-
against the persons of the Beg-

Disaffection
of the Beg-
gum proved
by acts of
her minis-
ters.

Now I will state what see-
upon the subject of the disaffe-
active share which, through t-
the eunuchs of her palace, she
period. She certainly—such
rank, and such the habits of
world—would not be seen, in-
diately taking an active part in
you can only trace her agency
ministers and servants she put
she delegated and trusted in
concerns. These persons were
Behar Ali Khan, and Jewar A-

*
Ladies in
Framed for
Cheyt Sing's
service.

It was announced to the B-
empire was convulsed, when
in arms and in full strengt-
moment announced to the Be-
had recently come into the ci-

of Fyzabad; that they had been despatched to Cheyt 21 FEB. 1792.
and that every man who was capable of bearing
was applied to by those persons and asked why he
go and join Cheyt Sing. I will take this as one
e, without troubling your Lordships with more, in
sory detail I am obliged to make of these transac- Indifference
of the Be-
gum to com-
plaints on
the subject.
t present. When it was notified to the Begum—

2, your agents, whom you entrust with the exercise of
wer, are at this moment engaged in an act of hosti-
lity against the British nation that protects you; they are
troops; they sent off a force of 1,000 men, but
three days ago, to join the standard of Cheyt Sing
eta. Seize the family of Sheit Khan. Exert your
ance and inflict punishment upon the persons guilty of
agacious confederacy and conspiracy against the British
"—when she was so called upon, how did the Begum
t herself? She gave no answer to the complaint—
ne when it was most important that every British
within the sphere of her influence, either at Fyzabad
any part of the Wazir's dominions, should give the
omplete and positive assurance of his good affection
ls the British interest.

en she is told that those acts of disaffection and Attack of
her servants
on Capt.
Gordon.
ty are in prosecution by her own servants—when she
that the adopted child of one of them—a man of the
of Shumshire Khan—had actually at that moment
his guns upon Captain Gordon, commanding a force
ing to us, and had obliged that detachment to quit
ad reduced him to a situation of great personal hazard
nger—does she deny the facts so charged upon her?—
e gives them no answer. Now, in such a moment,
ould a person well affected to the British interest have
ted herself? Would she not have instantly denied
t as respecting herself? Would she have suffered the
d of a day to elapse between the crimination and
charging herself, by fair exculpation, of the matter
d upon her? She does neither, but locks herself up
contemptuous silence.

ow it is insisted that all this is done away by a sub- Col. Han-
may's dis-
trust of her
intentions.
nt act. Upon the suggestion of Colonel Hannay, she
duced to send for Captain Gordon and to have him at
ad. The whole of the correspondence at that period
he considered himself as addressing a person with
disposition, and he is lavish in his compliments upon

vent the Nawab from seizing upon those treasures— 21 FEB. 1702.
l withdraw that intervention and obstruction, when
nity, which was the only consideration upon which
bstruction was interposed, had ceased to exist, and was
ted into active purposes of hostility and defiance?

efore, if these facts be bottomed in unquestionable Guilty con-
y—if the Begum's ministers did make these levies in vivance of
ce of her residence—if they despatched this force the Begum.

se had full notice of it, at the very instant when she
have punished, or at least could have inquired into it,
ses neither—when the persons who acted, dare not
cted in situations of such peril, without not only her
l but her positive authority—will any person doubt
se had a guilty communication in the very acts that
mediate agents were transacting? And, if it be so, Justification
equence is natural and necessary, that the guarantee of with-
like all other covenants between nations, in the nature drawal of
itions, one party failing, the other is necessarily released the guaran-
y obligation to perform it. tee.

uestionably, the Company was released from any
ion further to superintend the performance of that
and, being so released, the Wazir re-entered into his
ghts, and our demands for our debt immediately Revival of
d upon those rights into which he so re-entered. The the Wazir's
ing that prevented his seizing them had been the rights on
ation of the English; and he had a further reason the treasure.
arranted his so doing, for the infliction of punishment
hose subjects who had drawn him, if we had been
ly disposed, into a situation of peril with respect to
tion; for any assistance of theirs might have been
red as an act of hostility on the part of the aggregate
of which he is the sovereign, and might have sub-
him immediately to the consequence of all those acts
were done in the first instance by them. That, there-
leased us from any obligation to enforce the guarantee;
ased the Wazir from any obligation to grant them
easit of it, having forfeited it by their misconduct; and,
ree, intitled us to exercise our rights for full indemnifi-
out of the treasures of the Wazir. The seizure of the
re being thus warranted upon every principle of policy
a nation and nation, and upon the same principle
which covenants and contracts can be fairly construed
an man and man, we were warranted in seizing the
re.

the terms of this treaty, to which the Company were 21 FEB. 1702.
very benefit he had enjoyed before—I mean all those

in the Company were interested? We stipulated, The annual value of their jagirs guaranteed to the Begums.
that the Begums should receive the net amount of
jagirs through the Company's Resident. If they did
not, was some fault in the arrangement of his office. It

was the duty of the immediate Resident, but no part of the

Mr. Hastings, necessarily and immediately, to see
that the contract secured to these women all the benefits
of a right to possess, and restrained the sovereign
from making that general regulation which, for the benefit
of the country and people, is made to all others, giving just
reparation to the party injured by it.

Every bill of inclosure, the principle is, that the state
may modify the property of individuals, where the pro-
prietorship in the mode of its enjoyment, injurious to the state,
compensation can be conveniently made. When the
Treaty of Chunar was signed, was Mr. Hastings warranted
to refuse or consent to the introduction in that treaty of
any clause contained in it respecting these jagirs? I am aware
that Mr. Hastings, in writing upon the subject of the resump-
tion, mixes a knowledge of that which he had recently
acquired with that measure and the policy of it, as he had
previously considered it, without any violation of duty on the
part of the Begums. But it wants the aid of no other
reason to sustain it, than that Mr. Hastings was war-
ranted in permitting the sovereign of the country to do that
which every sovereign, in every country, takes the liberty of
doing for the general benefit and weal of the country at
large. I mean to make a new modification of property,
and compensation.

In the course of Mr. Hastings' journey up the country, Presents received from Kelleram, Cullian Sing, and Nundulol.
he received other presents, which are the subjects of charge
and are applied equally for the public service and equally applied
to the troops. I mean the presents from Kelleram, Cullian Sing
and Nundulol, which were immediately, as well as that from

the Begum, thrown into the public coffer. That from the
Begum was immediately transmitted to the paymaster and
paid to the troops. These from Kelleram, Cullian Sing and
Nundulol, were immediately paid, under the head of durbar
allowances, into the public exchequer, and could not be drawn
out by Mr. Hastings, for any corrupt purpose of his own, or
for any purpose, without a notification, in a considerable degree,
immediate purpose for which those sums were meant to

21 FEB. 1792.
Assistance
afforded by
Major
Gilpin.

or Gilpin is asked, whether the seizure of the Begums' Major
 or their jagirs could in any respect contribute to Gilpin's
 stresses that were experienced by the Khurd Mahal. evidence.
 answer is,—

7 Lords, I will not trouble you on this head further. Sufficiency of the evidence in exculpating the British officers.
 testimony of this gallant and honourable officer, himself
 witness of the distresses, himself knowing how they
 occasioned, and endeavouring to obviate and having
 led these distresses, will countervail a crowd of testi-
 on the other side, if there were any. But there is not
 ticle of evidence on the other side to put into the
 ite scale; there is not any evidence which does or can
 e to the English any interference in these distresses,
 th being, mediately or immediately, the cause of their
 nce or continuance.

tions and refutations may be heaped, I am perfectly at 21 FEB. 1792.

to conceive. For the resources of the Company were
 rested to a great degree before. They proceeded with
 mulating distress from that period. The number of our
 ies might be somewhat diminished by having the force
 Colonel Camac, immediately destined to attack
 ji Scindia, taken off, but our army in the west,
 the coast, was obliged still to make head against the
 attas, to maintain our conquest in [that quarter], in
 to give full effect to the treaty with Madaji Scindia,
 o compel the Mahrattas to come immediately to those
 rable terms of peace which we, afterwards, had with
 ration.

Exhaustion
 caused by
 war with the
 Mahrattas.

that period, does the honourable Manager forget that
 Ali had been furnished with the assistance of the
 h—that about 3,000 troops had been landed in
 ary, 1782, upon the coast of Coromandel, joining with
 the attack of Cuddalore, which, presently, fell before
 force? Does he forget the attack of the army under
 el Braithwaite? Does he forget all the calamities
 followed after the Mahratta peace had taken place,
 General Matthews occasioned a diversion of the force
 der Ali from the Carnatic, and brought it down, partly
 his negligence and improvidence—perhaps avarice,
 g the rest—brought down the accumulated force of Hyder

War with
 Hyder Ali.

Does he forget the number of armies that sprouted
 ter that—a sort of iron harvest in the west—all sus-
 l, if not immediately from Bengal, through the medium
 mbay—itself fostered, cherished, maintained and pro-
 l, by the outstretched and maintaining arm of Bengal?
 od God! it is a proposition so hazardous, that I cannot
 ive how the honourable gentleman should have ventured
 ake it; unless he reckoned, from our supineness and
 gence, that we should not venture to contradict it.

we are warranted, by the most correct acquaintance
 the facts at that time, to give it an answer. The
 es of arithmetic are the best refutation to give a charge
 at sort. Year after year, krors upon krors were heaped
 n our debt. Mr. Macpherson, in a letter dated the 13th
 March, 1783, states that the Government had, in the period
 een the 30th of September—but thirteen days before the
 clusion of this treaty, of the 13th of October, with Madaji
 idia—supplied to the exigencies of Madras and Bombay
 ces than above two millions and odd hundred thousand

Increase of
 the debt.

revert the Nawab from seizing upon those treasures—21 FEB. 1792.
 should withdraw that intervention and obstruction, when
 amity, which was the only consideration upon which
 obstruction was interposed, had ceased to exist, and was
 reverted into active purposes of hostility and defiance?
 Therefore, if these facts be bottomed in unquestionable
 city—if the Begum's ministers did make these levies in Guilty con-
 place of her residence—if they despatched this force spicance of
 she had full notice of it, at the very instant when she the Begum.
 should have punished, or at least could have inquired into it,
 does neither—when the persons who acted, dare not
 acted in situations of such peril, without not only her
 aided but her positive authority—will any person doubt
 she had a guilty communication in the very acts that
 immediate agents were transacting? And, if it be so, Justification
 consequence is natural and necessary, that the guarantee of with-
 g, like all other covenants between nations, in the nature drawal of
 conditions, one party failing, the other is necessarily released the guaran-
 any obligation to perform it. tee.
 unquestionably, the Company was released from any
 ration further to superintend the performance of that
 ry; and, being so released, the Wazir re-entered into his
 rights, and our demands for our debt immediately Revival of
 shed upon those rights into which he so re-entered. The the Wazir's
 thing that prevented his seizing them had been the rights on
 venton of the English; and he had a further reason the treasure.
 warranted his so doing, for the infliction of punishment
 those subjects who had drawn him, if we had been
 rsely disposed, into a situation of peril with respect to
 nation; for any assistance of theirs might have been
 dered as an act of hostility on the part of the aggregate
 n of which he is the sovereign, and might have sub-
 d him immediately to the consequence of all those acts
 h were done in the first instance by them. That, there-
 released us from any obligation to enforce the guarantee;
 leased the Wazir from any obligation to grant them
 enefit of it, having forfeited it by their misconduct; and,
 urse, intitled us to exercise our rights for full indemnifi-
 a out of the treasures of the Wazir. The seizure of the
 tre being thus warranted upon every principle of policy
 een nation and nation, and upon the same principle
 which covenants and contracts can be fairly construed
 een man and man, we were warranted in seizing the
 tre.

the terms of this treaty, to which the Company were every benefit he had enjoyed before—I mean all those on the Company were interested? We stipulated, re, that the Begums should receive the net amount of agirs through the Company's Resident. If they did was some fault in the arrangement of his office. It a duty of the immediate Resident, but no part of the Mr. Hastings, necessarily and immediately, to see the contract secured to these women all the benefits and a right to possess, and restrained the sovereign taking that general regulation which, for the benefit country and people, is made to all others, giving just sation to the party injured by it.

very bill of inclosure, the principle is, that the state w modify the property of individuals, where the pro, in the mode of its enjoyment, injurious to the state, compensation can be conveniently made. When the of Chunar was signed, was Mr. Hastings warranted duce or consent to the introduction in that treaty of contained in it respecting these jagirs? I am aware afterwards, in writing upon the subject of the resump- a mixes a knowledge of that which he had recently ed with that measure and the policy of it, as he had ally considered it, without any violation of duty on the f the Begums. But it wants the aid of no other tion to sustain it, than that Mr. Hastings was war- in permitting the sovereign of the country to do that every sovereign, in every country, takes the liberty of for the general benefit and weal of the country at —I mean to make a new modification of property, compensation.

the course of Mr. Hastings' journey up the country, eived other presents, which are the subjects of charge ived equally for the public service and equally applied —I mean the presents from Kelleram, Cullian Sing and undulol, which were immediately, as well as that from azir, thrown into the public coffer. That from the r was immediately transmitted to the paymaster and o the troops. These from Kelleram, Cullian Sing and ulol, were immediately paid, under the head of durbar es, into the public exchequer, and could not be drawn y Mr. Hastings, for any corrupt purpose of his own, or urpose, without a notification, in a considerable degree, immediate purpose for which those sums were meant to

21 FEB. 1792.

The annual value of their jagirs guaranteed to the Begums.

Presents received from Kelleram, Cullian Sing, and Nundulol.

Paid into the treasury.

promised
cessions to
the women
in the
Khurd
Mahal.

Treaty with
the elder Be-
gum for the
provision of
the family of
Saja-ul-
Dowla.

Sufficiency
of the sum
allowed.

paying them in.

My Lords, I will, respect
topic more, which is, the
name and nation is con-
sufferings of the women
that is disproved beyon
proved in such a way th
as a tale, at all to affect
connected with the Brit
authority, after what y
And I pray your Lords
admit, for the sake of an
authority was given to M

with the elder Begum,
secured to the concubine
the Khurd Mahal, yet,
virtue of the general au
not expressly notifying t
of no obligatory force—l
But to what effect? It o
that is, sufficient provisio
to these women. That is,
elder Begum, that such
their maintenance shall b
purpose. To that extent
pressed.

Now, has it ever been
purpose was not sufficien
40,000 rupees a year, w
was charged, for that p

1. What does Major Gilpin? He did that which, as 21 FEB. 1792.
 a British officer, it highly became him to do: he saw they Assistance
 in a situation of distress from which he could relieve afforded by
 by the application of some funds within his controul, Major
 he immediately issues 10,000 rupees for that purpose. Gilpin.

He afterwards applies to the Wazir, and is repaid this money
 aid, however, with some reproof for his interference in
 a matter, which the Wazir considered as an encroachment
 on his rights, and an interference in a matter which was
 domestic and personal to himself. However, all the
 objection we had with it was, to relieve these people from
 and to remedy the faults of others. And now, as a
 state, satisfactory, conclusive, testimony upon this sub-
 will read that which Major Gilpin says—whose name

has implicit credit with every person who has heard his
 name or knows that any testimony by him has been

I will read it—and here close, as far as respects this
 testimony, my exculpation of every person connected with the
 name from any share in having procured, or con-
 tributed to, any part of the distresses these women expe-
 rienced at this time.

Now Major Gilpin is asked, whether the seizure of the Begums' Major
 estates or their jagirs could in any respect contribute to Gilpin's
 the distresses that were experienced by the Khurd Mahal. evidence.
 His answer is,—

"I do not see that it could, in any respect." "Do you know whether
 any measure in which the English were at all concerned could produce,
 to any degree, contribute to those distresses?" "I do not think
 the interference of the English could have affected the establish-
 ment of the Khurd Mahal in any respect." *

"Lords, I will not trouble you on this head further. Sufficiency of
 The testimony of this gallant and honourable officer, himself the evidence
 a witness of the distresses, himself knowing how they in excul-
 were occasioned, and endeavouring to obviate and having pating the
 caused these distresses, will countervail a crowd of testi- British
 on the other side, if there were any. But there is not officers.
 a particle of evidence on the other side to put into the
 the scale; there is not any evidence which does or can
 as to the English any interference in these distresses,
 the being, mediately or immediately, the cause of their
 increase or continuance.

additions and further reinforcements. The British
loss to conceive. The British were
exhausted to a great extent. The British
accumulating distress. The British
emies might be seen. The British
nder Colonel Campbell. The British
ladaji Scindia. The British
pon the coast. The British
fahrottas. The British
rder to give full effect. The British
nd to compel the Marathas. The British
onourable terms. The British
hat nation.

At that period it was the policy of the Mar. Government that Hyder Ali had been supplied with the assistance of the French—that about 60,000 troops had been landed in February, 1782, and that the British Government, joining with **him** in the attack of Col. Breda, had effected a decisive victory. What force? Does he forget the attack of the army under Colonel Breda? Does he forget all the calamities which followed the Madras operations taken place, when General Matthews sustained a diversion of the force of Hyder Ali and the Carnatic and brought it down, partly from his negligence and imprudence—perhaps avarice, among the rest—brought down the accumulated force of Hyder Ali? Does he forget the number of armies that sprouted up after that—a sort of fruit harvest in the west—all sustained, if not immediately from Bengal, through the medium of Bombay—its life fostered, cherished, maintained and protected, by the out-stretched and maintaining arm of Bengal?

Good God! it is a proposition so hazardous, that I cannot conceive how the honourable gentleman should have ventured to make it; unless he reckoned, from our supineness and negligence, that we should not venture to contradict it. But we are warranted by the most correct acquaintance with the facts at that time, to give it an answer. The figures of arithmetic are the best refutation to give a charge of that sort. Year after year, krores upon krores were heaped upon our debt. Mr. Macpherson, in a letter dated the 13th of March, 1783, states that the Government had, in the period between the 30th of September—but thirteen days before the conclusion of this treaty, of the 13th of October, with Madaji Scindia—supplied to the exigencies of Madras and Bombay no less than above two millions and odd hundred thousand

Increase of the debt.

minutes
of the
committee

Minutes
of the
committee
of the
House

to our pecuniary difficulties,
any pecuniary assistance was
upon difficulty was accounted
there being any occasion of
the non-exertion of effective
period, all these difficulties
last and severest scourge of
dreadful famine, in 1783, I
upon that occasion, you have
exertion and protecting spirit
duly instructed a grain not
departing from the port of C
loaded. They had no law to
exercised a fair, sound, discre
find their infirmity in the
where that matter might be
they were not authorized to
vessel was unloaded and (I
man man. At the same time
and ample allowance made
value—an average price per
might have access to the
countries that were looking
but were not disappointed,
the ships might proceed to
that supply. Thus he relie
any severe inconvenience
looked to him for relief.
as the correspondence that

it fare with him, at a future day, as he has been 21 FEB. 1792.
of the feelings of humanity and justice with respect
y being with whom he has been connected, upon
asion! I appeal to the thanks of a grateful and
d land.

Lords, I will now advert shortly to two other topics,
in no regular place, before I come to a conclusion—
ay be I think introduced here — I mean, the two
ts with respect to which Mr. Hastings has been par-
y criminated. I will not detain your Lordships for a Mr. Belli's agency.
t upon Mr. Belli's agency, because one word puts all
utation upon that subject out of doors. Mr. Belli
agent for supplying Fort William with provisions.
ncy was approved by this single fact, that, when the
ns which he had laid in by agency for the Company
ld out again, so provident had he been in the execution
trust, that they sold, for the benefit of the Company,
: twice the sum he had charged for them. So much
Belli's contract!

spect to the bullock contract, some part of the blame The bullock contract.
s been thrown upon that is in respect to the inordi-
nber of bullocks employed; and it has been treated
tter perfectly ludicrous to suppose that 6,700 bullocks Number of bullocks to be provided.
be at all wanting for all the combined force of Bengal
ether;—for it is for all the armies of Bengal that, in
r 1779, these were provided.

Francis says,—

ruth, I might with great reason ask, what occasion have we for Mr. Francis' estimate of number required.
iahment of bullocks anywhere? "

fterwards extremely shocked with the number of the
to be employed for the care of these animals. He

number of bullock drivers proposed appears to be highly
tal to the good of the service. It would not be credited in
that twelve bullocks should require seven keepers."

n delivers in an estimate of the total draught and
e bullocks which were necessary to be employed for
ole army, supposing it to be in motion and on
service; and the whole estimate he allows for all the
is—draught bullocks 2,586, and carriage bullocks
total for both services 3,931.

, there may be a very great difference in the strength
efulness of the bullock employed upon the coast of
ndel compared with the same animal in Bengal, yet, Comparison with num-



Optimum con-
tract.

Optimum con-
tract.

the army was in motion
let such a trifling num-
ber be adequate to the
employed, Lord Cornwall
desired to engage the
Mr. Francis thinks it
to one driver to two pairs
recommends the addition
as without that the serv-
terms of the contract in
cipal objections of Mr.
the contract and the fai-
state in which that anim-
Company, we shall discus-
becomes the immediate

The next is the opium
which I shall trouble y-
respecting a commodity
for the Company, in the
profit that has, at any pe-
by this article is attribut-
that, on that account, I
looser management of t-
so immediately acquired
what way and how is t-
It was, first of all, acc-
The first time that it
1775, to Mr. Griffiths.
stated to be requiring it
sale, did not comprehend

proposals were accepted, as the lowest. Mr. Griffiths 21 FEB. 1792.
to supply the Company with this article at 190 lowest bidder in 1775.
a chest. This was considerably less than the sum
the Patna Council gave, who, being resident upon the
re likely to have had considerable means of acquaint-
h the article, and, with that sort of attention that
rson has to his own interest, were likely to have
it as cheap as they could. It is in evidence by
ng, that they had given for this very article between
three hundred rupees a chest.

contract having been reduced so low as 190 rupees
by a person accepted as the lowest of thirteen bid-
persons in charge of the government conceived they
ty nearly ascertained its value; and, therefore, after
ration of the contract with Mr. Griffiths, which was
d for one year more, upon some representation of his,
the year 1777, granted it to Mr. Mackenzie at the
te; only having a premium of 10,000 rupees a year,
to induce them to grant a contract to him for three
His contract was better to the Company by the
of 10,000 rupees a year. At the expiration of the
s contract—Mr. Francis and General Clavering be-
n members of the Council—upon their proposition,
tract is granted to Mr. Mackenzie for three years,
be same terms as to Griffiths, with the allowance
00 rupees a year. Mr. Hastings had no wish
; he adopted the terms, thinking them reasonable
r. The Company, hearing of this being granted,
it it had been granted without fresh proposals,
uming that no inquiry had been made respecting
e, blame that contract. That contract expires in
Mr. Francis and Mr. Hastings being then at the

Improved terms of contract in 1777.

Regrant of contract to Mr. Mackenzie, on Mr. Francis and Gen. Clavering's proposal.

If there is any blame imputable to the grant
contract to any particular favoured individual, it
e in that grant which followed almost immediately
e orders contained in the letter of the 23d of De-
1778, in which the Company had intimated their
re at the grant of the contract to Mr. Mackenzie.
ter arrived before the second grant of the contract
Mackenzie, for the enlarged term of one year. If
any blame, it is in that grant, made so recently after
ehension of the court of Directors; yet Mr. Francis
in it—or, more properly speaking, he moves it, for
the object of his nomination hat this contract is

Grant of
contract to
Mr. Sullivan,
1781.

granting it, in the year
Mr. Sullivan, is singular.
best informed, and most
but it is singular; for, in
tract with Mr. Sullivan are
the country was not the a
circumstances together, the
certain degree worse, inasmuch
to a certain degree of greater
was in the quiet time when
Mr. Mackenzie.

Hastings
value of
the contract.

Your Lordships will recollect
that, during the Benares treaty
value of this contract, having
study from his arrival in India
which he might convert it to
of any other person—yet
all this knowledge upon the
more likely to turn it to a
been glad to have got rid of
—in 1781; and so subject to
stated that, in one night, upon
loss of no less than 1,000,000
this business is stated to a
[140,000,000]*

Mr. Hastings having, by a
he stated, ascertained, as he
by no inquiry that he had no
all intelligence circulates from

of Mr. Wheler; yet he suggested it rightly and for the benefit of the Company. The sending opium to China was a measure suggested so long ago as 1773, by the Patna Company itself, conceiving it an article that would have, as it is now, a better vent in that country than in Europe. But Mr. Hastings is blamed on account of a consequential loss that happened there, as if he was made, here at your bar, to stand insurer against the effects of war, the calamities of seizure, and any other that may happen. Three hundred chests were sold, at a good profit upon them; and, if the vessel had not been captured—and it is too much to conceive Mr. Hastings is responsible for that act of capture—if the whole had been sold at the same proportionate degree of profit which the three hundred chests produced, it would have been a most benevolent concern to the Company.

21 FEB. 1792
—
Loss from capture of a vessel.

As to the cargo of the Nonsuch, it is stated that Mr. Hastings sent it to a losing market; that, actually, even if it sold but for 210 rupees a chest, which would by no means pay the expenses of freight, by no means pay the advance of money and other contingent charges. If the commodity had, as the supercargoes say, arrived in time—for the blame is divided between the supercargo on the one hand, and the captain on the other—it might have sold for the average price of 340 rupees a chest. If, arriving as it did, it had been sold by the supercargo with the same diligent attention to the interests of the Company as he paid to his own interest, when he sold his cargo, it would have produced to them, as it did to him, 340 rupees a chest. So that, take either the supercargo's account or the account of the captain, if there had not been negligence either one or the other, it would have arrived to a profitable market for the Company.

Loss on sale from negligence of the supercargo.

The last objection to this contract is, that it is a contraband traffic. I do not know that any nations very much regard whether they are guilty of an infraction of the laws of any other country, in running commodities into the penalties of confiscation by that country. I am subject to correction, but I do not know that it ever gave utter of much complaint between France and us, that we sent their brandy into this country, or we sent our woollen goods into that. Each is subject to the penalty of confiscation if caught; and, further than enforcing the general laws of the country, I believe no state interferes in that

Objection to the traffic as contraband.

China, then it would save through the medium of which unless we can send a coin that country. "Suppose Dutch, and let them smuggle the westward, where they fetch it." If a thing is to *obliquum*, or directly, seems attending the transaction, more in the subterfuge mention but two more to smallest compass that I can

Advantages
of the Mahratta
peace.

The Mahratta peace, in peace from which we did moment derive so much under all the difficulties of Hyder Ali's recent succor assistance of France, then reinforcement of troops in disadvantages, Madaji Sci the rest of the Mahratta on the other, and having tions of Goddard in the G to sue for peace. They dependent islands which so long. They gave us, to exclusive commercial alliance an indulgence for some in which, having subsisted th

supplies Lord Cornwallis, if not with active 21 FEB. 1792.
 at least with all those supplies which give energy
 under his command.

ings, having brought the measures of his ad-
 nearly to a close, towards the beginning of the
 ound himself at leisure from the other great
 the empire that pressed upon him to pursue
 l attention the only subject that remained yet
 ed—I mean, the formal adjustment of the em-
 airs of the government of Oude. He besought
 s to intrust to him that commission. He had

from the Wazir, desiring him to lend him his
 this business of the final adjustment and settle-
 intricate and difficult concerns. The Wazir,
 had been by some recent interference in the
 nagement of his family by Mr. Bristow, was
 r every security that could be required for the
 ment of the subsidy, which could alone war-
 s declared repugnance to it, the continuance of

in that country. How the Wazir felt upon
 how he was goaded by the language used by
 —to whom I do not mean to impute blame, any
 is necessary to explain the measure Mr. Hast-
 , at this period, of the removal of all Residents
 ppears from the evidence.

ings addressed himself to this prince through the
 the Resident, [who used] language which cer-
 l not be held to any prince who claims the
 r show of kingly power. He asks him why he
 o keep so many elephants and horses? Why
 antities of provisions dressed in his kitchen?
 t quite consistent with the directions of Mr.
 o had ordered him to show him every mark of
 at the Wazir felt upon this occasion his own
 eling language will express, as conveyed by his
 fr. Bristow :—

aintments," he said, "would reflect disgrace and con-
 i Highness, since it would become apparent that the
 l no power over his household [establishments, domestics,
 rriage and burden; to ask him why he thus persecuted
 him,—adding, 'The little which falls to my lot even that]
 v me to eat in peace and quietness.' This declaration is
 ith tears of anguish." *

*Settlement
of en-
harassed
affairs of
Oude.*

*Resentment
by the
Wazir of
treatment
from Mr.
Bristow.*

*Mr. Bris-
tow's lan-
guage not
consistent
with Mr.
Hastings'
instruc-
tions.*

*The Wazir's
remon-
strances.*

n letter of Hyder Beg Khan to Mr. Hastings, received 28th
 rinted in the "Minutes of the Evidence," p. 328.

Success of
his arrangements.

Details of
the arrange-
ment left to
the Wazir.

Respectful
treatment of
the Wazir.

the punctual payment of the amounting to seventy-three lacs of rupees. By Mr. Larkins in the public set out to obtain a security and kept at the appointed instalment not only for that sum, but in September of the following year, the country had been successive years; yet he obtained security for the payment of 170 lacs being the remainder a debt accruing in when, your Lordships recollect who is supposed to have good that there was no possibility of the Wazir would ever finish the cheque. However, this was realised. Even in the month the debt was reduced to 38 lacs, the appointed instalments, in

Mr. Hastings did not interfere in these arrangements; he contented himself with the general outline and left himself aloof from the more minute details. He gave the Wazir and his ministers full independence; and, to confirm this, Mr. Hastings did, as he ever was in power with whom he was connected, treat the Wazir with

he left the Wazir, who accompanied him several 21 FEB. 1792.
 his journey, reluctantly parting with him; he, at
 that country which was to be the source of sixteen
 twenty charges, accompanied and pursued by its un-
 blessings and its ineffectual prayers.

He accompanied the measures by an assurance that that Mr. Hastings' settle-
 ments main-
 tained by
 succeeding
 Govern-
 ments.
 which he pledged in his own person for the security
 of every function of government in his
 country, should be faithfully observed by his succe-
 ssors; that pledge his successors have enabled him to keep—

He especially, that exalted person now in the charge of
 the affairs in that country, who has made no other
 change in the plan laid down by Mr. Hastings, but in
 respects as he himself states [were made], in order to
 the principles of that reform and adjustment into more
 effect. And such has been the good understanding of
 the state of that country and every person under his
 command, that the minister has, I understand, voluntarily
 Lord Cornwallis with a loan of twenty-two lacs,
 any interest.

In this period, he achieved the only thing remaining to be Reconcilia-
 tion of the
 Wazir and
 Begum.
 to restore harmony throughout the dominions of the
 country; he suggested a perfect reconciliation between the
 Wazir and his mother; he advised him to go and, for the
 peace at least, to make the Begums a voluntary
 offer of their jagirs. Their minds were predisposed to
 proper use of that generous offer; they voluntarily
 sold a large portion of these jagirs to the immediate dis-
 of the Wazir. The minister, under the same idea of
 peace, voluntarily sacrificed seven lacs a year, out of ten
 requisites and emoluments; together constituting a
 towards relieving the Wazir out of his distressed

circumstances, I have now conducted the promised detail and Retirement
 of Mr. Hast-
 ings from
 office.
 review of the principal events and measures of the De-
 long and arduous government to that period when,
 yielding to the most enlarged extent every demand of
 public service, he thought himself, for the first time, at
 liberty to meditate a retirement from that active situation of
 duty which he was now able to quit without a crime—
 at which he had not permitted himself to entertain
 as there existed, in act or menace, one enemy of the
 name throughout the whole continent of India.

als were accepted, as the lowest. Mr. Griffiths 21 FEB. 1792.
 apply the Company with this article at 190
 est. This was considerably less than the sum lowest bidder in 1776.
 tna Council gave, who, being resident upon the
 cely to have had considerable means of acquaint-
 e article, and, with that sort of attention that
 has to his own interest, were likely to have
 s cheap as they could. It is in evidence by
 that they had given for this very article between
 e hundred rupees a chest.
 act having been reduced so low as 190 rupees
 a person accepted as the lowest of thirteen bid-
 sons in charge of the government conceived they
 early ascertained its value; and, therefore, after
 n of the contract with Mr. Griffiths, which was
 e one year more, upon some representation of his, Improved terms of contract in 1777.
 year 1777, granted it to Mr. Mackenzie at the
 nly having a premium of 10,000 rupees a year,
 duce them to grant a contract to him for three
 contract was better to the Company by the
 0,000 rupees a year. At the expiration of the Regrant of contract to Mr. Mackenzie, on Mr. Francis and Gen. Clavering's proposal.
 tract—Mr. Francis and General Clavering be-
 members of the Council—upon their proposition,
 is granted to Mr. Mackenzie for three years,
 me terms as to Griffiths, with the allowance
 rupees a year. Mr. Hastings had no wish
 adopted the terms, thinking them reasonable
 The Company, hearing of this being granted,
 had been granted without fresh proposals,
 g that no inquiry had been made respecting
 lame that contract. That contract expires in
 Francis and Mr. Hastings being then at the
 there is any blame imputable to the grant
 ract to any particular favoured individual, it
 that grant which followed almost immediately
 lers contained in the letter of the 23d of De-
 3, in which the Company had intimated their
 t the grant of the contract to Mr. Mackenzie.
 rived before the second grant of the contract
 enzie, for the enlarged term of one year. If
 blame, it is in that grant, made so recently after
 sion of the court of Directors; yet Mr. Francis
 t— or, more properly speaking, he moves it, for
 object of his nomination hat this contract is

Grant of
contract to
Mr. Sullivan,
in 1781.

granting it, in the year
Mr. Sullivan, is singular.
best informed, and most
but it is singular; for, in
tract with Mr. Sullivan and
the country was not the
circumstances together, the
certain degree worse, inasmuch
to a certain degree of greater
was in the quiet time when
Mr. Mackenzie.

Hazardous
nature of
the opium
contract.

Your Lordships will recollect
that, during the Benares treaty
value of this contract, having
study from his arrival in India
which he might convert it to
of any other person—yet
all this knowledge upon the
more likely to turn it to a
been glad to have got rid of
—in 1781; and so subject to
stated that, in one night, upon
loss of no less than 1,000*l.*
this business is stated to amount
[140,000*l.*]*

Mr. Hastings having, by
he stated, ascertained, as he
by no inquiry that he had not
all intelligence circulates from

tion of Mr. Wheler; yet he suggested it rightly and for the benefit of the Company. The sending opium to China is a measure suggested so long ago as 1773, by the Patna Council itself, conceiving it an article that would have, as unquestionably it has, a better vent in that country than where. But Mr. Hastings is blamed on account of consequential loss that happened there, as if he was made, here at your bar, to stand insurer against the accidents of war, the calamities of seizure, and any other event that may happen. Three hundred chests were sold, at a prodigious profit upon them; and, if the vessel had not been captured—and it is too much to conceive Mr. Hastings is responsible for that act of capture—if the whole had been sold at the same proportionate degree of profit which the three hundred chests produced, it would have been a most beneficial concern to the Company.

Loss from capture of a vessel.

When, as to the cargo of the *Nonsuch*, it is stated that Mr. Hastings sent it to a losing market; that, actually, even in China, it sold but for 210 rupees a chest, which would by no means pay the expenses of freight, by no means pay the advance of money and other contingent charges. If the commodity had, as the supercargoes say, arrived in time—for the blame is divided between the supercargoes, on the one hand, and the captain on the other—it might have sold for the average price of 340 rupees a chest. If, arriving as it did, it had been sold by the supercargoes with the same diligent attention to the interests of the Company as he paid to his own interest, when he sold his cargo, it would have produced to them, as it did to him, 340 rupees a chest. So that, take either the supercargo's account or the account of the captain, if there had not been negligence in either one or the other, it would have arrived to a beneficial market for the Company.

Loss on sale from negligence of the supercargo.

The last objection to this contract is, that it is a contra-traffic. I do not know that any nations very much differ whether they are guilty of an infraction of the laws of any other country, in running commodities contrary to the penalties of confiscation by that country. I am subject to correction, but I do not know that it ever happened of much complaint between France and us, that we run their brandy into this country, or we our woollen goods into that. Each is subject to the penalty of confiscation if caught; and, further than enforcing the general laws of the country, I believe no state interferes in that

Objection to the traffic as contra-traffic.

where it might be deposited in China, then it would save through the medium of which we can send a commodity to that country. "Suppose the Dutch, and let them smuggle the westward, where they can fetch it." If a thing is to be *obliquum*, or indirectly, seen attending the transaction, more in the subterfuge than mention but two more to the smallest compass that I can

Advantages
of the Mahratta peace.

The Mahratta peace, in peace from which we did moment derive so much under all the difficulties of Hyder Ali's recent success, assistance of France, then reinforcement of troops in disadvantages, Madaji Scindia the rest of the Mahratta power on the other, and having the services of Goddard in the Guzerat to sue for peace. They gave us the dependent islands which have been so long. They gave us, to exclusive commercial alliance an indulgence for some in which having subsisted at

ther, supplies Lord Cornwallis, if not with active 21 FEB. 1794.
 nce, at least with all those supplies which give energy
 troops under his command.

Hastings, having brought the measures of his ad-
 ration nearly to a close, towards the beginning of the
 1784, found himself at leisure from the other great
 ns of the empire that pressed upon him to pursue Settlement
 of our
 harassed
 affairs of
 Oude.
 devoted attention the only subject that remained yet
 adjusted—I mean, the formal adjustment of the em-
 sed affairs of the government of Oude. He besought

leagues to intrust to him that commission. He had
 itation from the Wazir, desiring him to lend him his
 nce in this business of the final adjustment and settle-
 of his intricate and difficult concerns. The Wazir,

as he had been by some recent interference in the
 tic management of his family by Mr. Bristow, was
 to offer every security that could be required for the
 ial payment of the subsidy, which could alone war-
 rafter his declared repugnance to it, the continuance of
 resident in that country. How the Wazir felt upon

asion, how he was goaded by the language used by Resentment
 by the
 Wazir of
 treatment
 from Mr.
 Bristow.
 ristow—to whom I do not mean to impute blame, any
 than is necessary to explain the measure Mr. Hast-
 lopted, at this period, of the removal of all Residents
 er—appears from the evidence.

Hastings addressed himself to this prince through the
 n of the Resident, [who used] language which cer-
 should not be held to any prince who claims the

ance or show of kingly power. He asks him why he Mr. Bris-
 tow's lan-
 guage not
 consistent
 with Mr.
 Hastings' in-
 structions.
 ted [to keep so many elephants and horses? Why
 ach quantities of provisions dressed in his kitchen?]
 was not quite consistent with the directions of Mr.
 gs, who had ordered him to show him every mark of

t. What the Wazir felt upon this occasion his own
 and feeling language will express, as conveyed by his
 er to Mr. Bristow:—

“The appointments,” he said, “would reflect disgrace and con- The Wazir's
 remon-
 strances.
 upon his Highness, since it would become apparent that the
 possessed no power over his household establishments, domestics,
 ets of carriage and burden; to ask him why he thus persecuted
 treated him,—adding, ‘The little which falls to my lot even that]
 not allow me to eat in peace and quietness.’ This declaration is
 anied with tears of anguish.” *

fact from letter of Hyder Beg Khan to Mr. Hastings, received 28th
 733.—Printed in the “Minutes of the Evidence,” p. 328.

Success of
his arrange-
ments.

Details of
the arrange-
ment left to
the Wazir.

Respectful
treatment of
the Wazir.

the punctual payment of it amounting to seventy-three lacs of rupees in addition of nineteen lacs of rupees by Mr. Larkins in the public debt set out to obtain a security and kept at the appointed instalment not only for that sum, but September of the following year, there, the country had been successive years; yet he obtained security for the payment of seventy-three lacs being the remainder a debt accruing in 1817 when, your Lordships recollect, who is supposed to have gone to the Wazir that there was no possibility of the Wazir would ever finish the cheque. However, this security was realised. Even in the month of September the debt was reduced to 38 lacs and the appointed instalments, in 1818.

Mr. Hastings did not interfere in these arrangements; he confined himself only to the general outline as to himself aloof from the matter, he gave the Wazir and his ministers independence; and, to confirm Mr. Hastings did, as he exercised power with whom he was connected, treat the Wazir with

left the Wazir, who accompanied him several 21 FEB. 1792.
 s journey, reluctantly parting with him; he, at
 it country which was to be the source of sixteen
 ity charges, accompanied and pursued by its un-
 ssings and its ineffectual prayers.

spanied the measures by an assurance that that Mr. Hastings' settle-
 ments main-
 tained by
 succeeding
 Govern-
 ments,
 he pledged in his own person for the security
 exercise of every function of government in his
 y, should be faithfully observed by his succes-
 pledge his successors have enabled him to keep—
 specially, that exalted person now in the charge of
 affairs in that country, who has made no other
 a the plan laid down by Mr. Hastings, but in
 ts as he himself states [were made], in order to
 inciples of that reform and adjustment into more
 . And such has been the good understanding of
 of that country and every person under his
 , that the minister has, I understand, voluntarily
 ord Cornwallis with a loan of twenty-two lacs,
 r interest.

eriod, he achieved the only thing remaining to be Reconcilia-
 tion of the
 Wazir and
 Begum.
 store harmony throughout the dominions of the
 suggested a perfect reconciliation between the
 his mother; he advised him to go and, for the
 ce at least, to make the Begums a voluntary
 their jagirs. Their minds were predisposed to
 per use of that generous offer; they voluntarily
 large portion of these jagirs to the immediate dis-
 ic Wazir. The minister, under the same idea of
 voluntarily sacrificed seven lacs a year, out of ten
 isites and emoluments; together constituting a
 ds relieving the Wazir out of his distressed

s, I have now conducted the promised detail and Retirement
 of Mr. Hast-
 ings from
 office.
 of the principal events and measures of the De-
 ng and arduous government to that period when,
 ing to the most enlarged extent every demand of
 ervice, he thought himself, for the first time, at
 editate a retirement from that active situation of
 which he was now able to quit without a crime—
 hich he had not permitted himself to entertain
 here existed, in act or menace, one enemy of the
 e throughout the whole continent of India.

11th of March, 1784, when
scene of hostile tumult wa
wars had been conducted to
glorious peace, without th
the territory which we pos
them—when the late enem
of confidence and kindness,
greatness—when the rival
reduced as to be virtually
every part of India—when
attention to his rights, had
sion adverse to our intere
intended encroachment un
worsted by our arms, but n
had reaped, as a boon for h
nation in the affair of Wore
territory and fortress of B
by reward as well as puni
could not be outdone in dees
in the course of those wars,
our arms an exploit which
Eyre Coote himself, had
fidable, I mean the captu
conquerable fortress of Gw
the auspices of this gentlem
which the incomparable gall
Popham, aided by the ende
Bruce, achieved and carri
Mahrattas had yielded us, at
cession of Salatte and the

rise of two years by the surplus revenues of that
 agent—when the funds which he had acquired for the
 y in the course of his administration in the beginning
 mean those of salt and opium, not to mention
 ie civil or the military savings, or the subsidy from
 ere sufficient to have relieved the Company, as far
 erned] the Government of Bengal at least, from the
 tracted in the course of these wars—when, by in-
 perseverance against every species of contradiction,
 home and abroad, in despite of ourselves, our predie-
 r counsels and our efforts, he had once more achieved
 tion of the British interests in India—in this fortu-
 sis of our public concerns, he turned his thoughts
 his native land, and, with the honest pride of con-
 itutue, anticipated the thankfulness of a benefited and
 il country. The gratitude of the British inhabitants
 country which he had so long adorned and cherished
 arts of peace, and had preserved unhurt amidst the
 ling ravages of famine and of war, he had the comfort
 rience, whilst the vessel which was to bear him to
 yet lingered on the shores of Hindustan.

Gratitude
 from British
 inhabitants
 of India.

ords, I do not present to your Lordships the sus-
 raises of dependent multitudes, offered to greatness
 mith of its power. No, my Lords, that body which
 him with the earliest marks of its affection and re-
 aited till he had divested himself of all place and
 amongst them, till he had laid down the robe of
 and until, as a private individual, he had ascended
 of that vessel which was to bear him to Europe.
 ds, the army of Bengal paused with still more re-
 and judicious delay; they waited till he had wholly
 from their sight, before they prepared for him that
 iquet of praise, honour and gratulation, which was
 to feast his honourable appetite of well earned fame,
 arrival on the shore of Britain.

Expressions
 of affection
 delayed till
 the moment
 of his de-
 parture.

ords, I, last of all, present you with that praise
 all embalm his memory when he shall be no more,
 lst he lives, shall enable him to look down with indif-
 and with scorn upon the most malignant efforts of his
 enemies. My Lords, the people of India in this
 well adopted the practice of the ancients, in delaying
 rifices to heroes till after sunset: they waited, not
 the beams which had warmed and cherished them
 withdrawn, but till the [sun] had well nigh set in the

Expressions
 of the na-
 tives in fa-
 vour of Mr.
 Hastings,
 after know-
 ledge of his
 prosecution.

21 FEB. 1792.

rate but grateful beings w
legs from the hills and fi
the [habits] of savages and
life—the pilgrim who had
to the hallowed shrine wh
—the princes who had be
power—the humble citize
the invaluable blessings of
tial and enlightened jus
blessed, invoked the sacre
solemn attestation of his
administration which, unde
Father, had been the app
many blessings on him.

Appeal
to general
feelings of
the assembly.

My Lords, the man wh
multiplied praises and bles
manner of his defence. I
that some respect is due to
your Lordships, with the
conscious of the many faili
with the firmness which a
unworthy motive sustains
in your public service, an
allowance for error than t
some season have occasion
fair review of that life—a
Lordships will form—you
governed by an ardent p
uniformly directed to the a
and trust honour and res

I have produced this good effect, at least, to his 21 FEB. 1792.
 that they have induced the Parliament of Great Britain to relieve his successor from the painful, degrading, and ineffective, situation in which it was his lot often placed, by entrusting to the first member of their government in the East a large and necessary degree of discretionary authority; thus enabling him to pursue his service undismayed by such results as disabled and impeded the active operations of his [predecessor's] government. As, happy it is for himself, happy it is for his country, the noble Lord, now in supreme trust of our national affairs in that quarter of the globe, has to ascertain only in the medium of his own clear, unbiassed, judgment, and the guidance of his own pure and honourable mind, on which the public safety rests. You have armed him—wisely armed him—with every means adequate to its execution.

Difficulties
 from con-
 trol of his
 action.

Lords, the Defendant will at present trouble your Lordships with but one word more. The sum and substance of public life is now before you. It has undergone a trial, of such extent and strictness as no other public trial has undergone before. If your Lordships, under the sanction of whom, as a most essential and valuable branch of British sovereignty, he has in part governed, shall only so deem of him as the numerous nations and tribes that was his lot to govern have already, by solemn and public attestation, pronounced of him, the most sanguine wish of his ambition is gratified by this last, best, testimony of public usefulness. The labours of his past, and the trials of his present, life are compensated and sanctified in the sure and certain hope of this joyful issue out of his affliction. He commits himself, his fame and honour; and, in those last comprehensive words, every thing valuable to him on this side the grave, to the wisdom and justice of this sacred tribunal.*

Conclusion.

A following altercation ensued upon the conclusion by Mr. Law of the case:—

Mr. Burke.—I do not wish to detain your Lordships from considering at once the effect of this eloquent peroration, but I wish to explain myself to your Lordships, who may suppose me to stop him for the purpose of interrupting him. I asked him a question, which those who hear me know is in all courts, that, since he has rested so much of his Defence upon testimonials, and has quoted one of them—having mentioned the person to be one of the affidavits which he refers to—he would just mention to the other was; and then I shall ask another question, which will admit

Mr. Burke.—Then I ask th
Lord Chancellor.—It is muc
Mr. Burke.—I must beg les
is mentioned, it is common
allusion is.

The Duke of Leeds moved

OF THOMAS PLUMER, ESQ., COUNSEL FOR
HASTINGS, IN DEFENCE UPON THE FIRST
ARTICLE OF THE CHARGE, RELATING TO
THE AFFAIRS; 23 FEBRUARY, 1792.

MY LORDS, I have the honour to attend your Lordships 23 FEB. 1792.
as the Counsel for Mr. Hastings; and the particular Defence
which is assigned to me, upon the present occasion, is to on the
your Lordships a more particular defence upon the first Article
of the charge. of charge.

It is impossible for me to appear before your Lordships Apology
on the present occasion, without being sensibly impressed for want of
with the solemnity of the occasion, the great importance and magnitude of the trust that is
reposed in me, and my own utter inability to do justice to
in which I have the honour to be engaged. If my
friend who has preceded me, and of whose learning
and abilities your Lordships have received such ample proof,
it will be necessary to solicit the indulgence of your
Lordships, I am sure it will be universally felt how much
they stand in need of that indulgence—called from a
modest station in the same profession, without pos-
sessing the same advantages, natural or acquired, to discuss
subjects, of great variety and extent, scattered over
of more than twenty years, arising in a foreign
land and dispersed in a voluminous charge of thirty-two
years.

My LORDS, I am persuaded that I shall experience from
your Lordships every proper allowance for the situation in
which I stand, not for my own sake, but lest the cause of
justice should be in danger of suffering from so
a contest. Fortunately for me, the task that is
upon me is of a more limited nature than that
which more abilities, has been already discharged by
my learned friend and gentleman who has preceded me. I am too
impressed with the magnitude of the duty that is
upon me to feel any disposition to extend it.

that the general prejudices with which this cause General
is affected, arising from general topics, have been satisfactorily prejudices
addressed, affecting
the cause.

country where he had filled
judices operating upon the
particular. It was impossible
could come to the discussion
feeling a strong prepossession
in such a predicament, and, I
charges such as that I have
sisting, as your Lordships will
it, altogether, of matters
opinion, or to suspicion respecting
of Mr. Hastings in these
ships will find that, with
selves, they are for the most
there is no dispute. The
between us is with respect
those measures—whether the
prosecutor, represent them
themselves measures of a different
all those imputations which you
think fit to attribute to the
point of view, whether the
corrupt intention which you
a laudable sense of duty—of
duty—as, I trust, will appear
measures.

*Prejudices
as to the
individual
character of
Mr. Hastings.*

When such is the nature
infinite importance that the
sideration of that charge free
respecting the individual who

ality throughout every period of his life—it is impos- 23 FEB. 1792.
 at we could come to the discussion of his intentions
 : one particular person; without being prepared
 and to expect, concerning a person regarding whom
 unfavourable prepossessions were entertained, to dis-
 in every act of his life the same cruel and bad
 ion that we, in our general opinion, have already
 d to him.

pe, therefore, your Lordships will feel it to have
 : infinite importance that the cause should have been
 d from those general impressions, to the disadvantage
 English nation in general, and to the disadvantage of
 stings in particular—that Mr. Hastings may stand
 a *curia*; and as, on the one hand, I do not mean to
 nto aid, in the least, any reference to the general
 : of Mr. Hastings, or the general good character that
 been shown to maintain in his government, but to
 the measures by themselves, one by one, standing
 nsidered by themselves, I hope it will not appear
 nable that, on the other hand, we should lay aside
 iudices arising from extraneous topics, and consider
 asures themselves by themselves, as the measures of
 vidual concerning whom you know nothing but what
 upon the evidence, by examining the charges and
 ing the evidence as applied to the charges, one by
 see whether, in that point of view, the prosecutor
 not made good the charge he has made against
 stings.

Lords, I hope likewise I shall not be thought to fail
 duty, either to your Lordships or to Mr. Hastings,
 he mode of discussing this subject, I should do it in
 anner which I have been accustomed to in the courts
 inal judicature which I have attended. If, in the
 ion of a particular charge, great and splendid exertions
 ssary on the part of the prosecution, I am afraid
 follow that similar exertions ought to be made on
 rt of the Defendant; otherwise, especially when the
 s of that sort that I have stated—not the discussion
 lain fact, where eloquence can be addressed with
 ffect, but involved in opinions, and in suspicions,
 intentions, where all the force and weight of
 nce operates powerfully to produce a certain im-
 n upon the mind—I am afraid it will be extremely
 t to present it to your Lordships as standing in any

Intention
 of limiting
 his efforts
 to an ex-
 amination of
 the evi-
 dence.

manner, my Lords, I ought for having undertaken a task unequal to my powers, to attempt it. In that respect I stand with all the disadvantage of an unequal contest.

Propositions on the subject of a change recommended by the House of Commons.

My Lords, with respect to when it is incumbent upon us to believe that the House of Commons is not well served in the outset feel that to do so with all your Lordships' assistance ensure that your Lordships will be sensible not to entertain strong charges that come forward without all possibility of any sinister conclusion, and where it is a mistake.

In so high and respectable a learning, talents, experience which is individually the strength of the world, and collectively of our proceedings—it is extremely unfortunate that has the misfortune to contend that any proposition coming forward originate in mistake.

Fidelity of the House.

I hope it will not be supposed that I am charge of my duty, I presume nothing otherwise than as

of two years by the surplus revenues of that —when the funds which he had acquired for the the course of his administration in the beginning in those of salt and opium, not to mention oil or the military savings, or the subsidy from sufficient to have relieved the Company, as far 1] the Government of Bengal at least, from the ed in the course of these wars—when, by in- everance against every species of contradiction, and abroad, in despite of ourselves, our predic- insels and our efforts, he had once more achieved of the British interests in India—in this fortu- f our public concerns, he turned his thoughts native land, and, with the honest pride of con- , anticipated the thankfulness of a benefited and untry. The gratitude of the British inhabitants try which he had so long adorned and cherished of peace, and had preserved unhurt amidst the ravages of famine and of war, he had the comfort e, whilst the vessel which was to bear him to ingered on the shores of Hindustan.

21 FEB. 1792.

Gratitude from British inls of I

, I do not present to your Lordships the sus- s of dependent multitudes, offered to greatness of its power. No, my Lords, that body which with the earliest marks of its affection and re- till he had divested himself of all place and agst them, till he had laid down the robe of until, as a private individual, he had ascended hat vessèl which was to bear him to Europe. he army of Bengal paused with still more re- judicious delay; they waited till he had wholly n their sight, before they prepared for him that t of praise, honour and gratulation, which was east his honourable appetite of well earned fame, val on the shore of Britain.

Expressions of affection delayed till the moment of his departure.

s, I, last of all, present you with that praise embalm his memory when he shall be no more, e lives, shall enable him to look down with indif- with scorn upon the most malignant efforts of his mies. My Lords, the people of India in this adopted the practice of the ancients, in delaying s to heroes till after sunset; they waited, not beams which had warmed and cherished them own, but till the [sun] had well nigh set in the

Expressions of the natives in favour of Mr. Hastings, after knowledge of his prosecution.

25 FEB. 1792. beforehand received an unfavourable impression with respect to the individual.

Disclaimer
of want of
respect for
the House
of Commons.

My Lords, I only, therefore, hope that, upon the present occasion, it is free for me to discuss the truth of this accusation, without being supposed to impute anything, or derogate in any degree from the respect that I bear to the House of Commons; and that, when I am examining the truth of these charges and accusations, the accuracy of the grounds upon which they are rested, and the arguments in support of them, I hope I shall not be suspected to be guilty of any kind of disrespect, either to the House of Commons in general or to those who appear here in support of it.

Impression
produced
by the
character of
the Man-
agers.

My Lords, I know perfectly well that, with respect to those persons who appear the voluntary supporters of the present cause, their talents, learning, character, abilities, rank, connections—all operate powerfully to recommend the cause that they support. It is extremely difficult to prevent that respect which justly belongs to them, collectively and individually, communicating itself in some degree to the accusation they support. I feel all that is pressing upon me—the weight of the House of Commons, the weight of those gentlemen, their high character and situations—that they do in the very outset recommend the cause that they come to support; and, more particularly, if it be a cause involved in some degree of difficulty, requiring great attention and accuracy to develop.

Disposition
to acquiesce
in their
opinions.

The mind naturally, in every stage of it, halts, when it takes the charge and compares it with the evidence, and finds that it sees the charge perfectly unsupported by it; the mind is apt to distrust itself, and to suppose rather that there must be some mistake in itself than that so many respectable persons, who can have no bad intention, who have the means of knowledge, who have so much talents, can be mistaken. An individual would be apt rather to distrust his own understanding than to impute mistake to such persons, even if those persons were silent upon the subject. After all the splendid exertions that they have thought fit to make upon the present occasion, to make in support of their cause, that of course will have additional weight. I do not presume to complain of those exertions: all that I can say is this—if they were necessary, if they were proper, if the cause required it, they are the more formidable, and will of course operate more powerfully against me upon the present occasion.

Special exertions made by them on the present trial.

a have produced this good effect, at least, to his 21 FEB. 1792.
 that they have induced the Parliament of Great Difficulties from controul of his action.
 to relieve his successor from the painful, degrading
 effective, situation in which it was his lot often
 placed, by entrusting to the first member of their
 re government in the East a large and necessary
 of discretionary authority; thus enabling him to pursue
 lic service undismayed by such results as disabled and
 the active operations of his [predecessor's] government.
 ds, happy it is for himself, happy it is for his country,
 e noble Lord, now in supreme trust of our national
 s in that quarter of the globe, has to ascertain only
 i the medium of his own clear, unbiassed, judgment,
 the guidance of his own pure and honourable mind,
 it on which the public safety rests. You have armed
 risely armed him—with every means adequate to its
 ent.

Lords, the Defendant will at present trouble your Conclusion.
 ips with but one word more. The sum and substance
 public life is now before you. It has undergone a
 y, of such extent and strictness as no other public
 has undergone before. If your Lordships, under
 r whom, as a most essential and valuable branch
 British sovereignty, he has in part governed, shall
 ely so deem of him as the numerous nations and tribes
 it was his lot to govern have already, by solemn and
 d attestation, pronounced of him, the most sanguine
 of his ambition is gratified by this last, best, testimony
 public usefulness. The labours of his past, and the
 igs of his present, life are compensated and sanctified
 in the sure and certain hope of this joyful issue out
 his affliction. He commits himself, his fame and
 , and, in those last comprehensive words, every thing
 valuable to him on this side the grave, to the wisdom
 tice of this sacred tribunal.*

following altercation ensued upon the conclusion by Mr. Law of
 me :—

Mr. Burke.—I do not wish to detain your Lordships from considering at
 are the effect of this eloquent peroration, but I wish to explain myself
 unsel, who may suppose me to stop him for the purpose of interrup-
 y Lords, I asked him a question, which those who hear me know is
 in all courts, that, since he has rested so much of his Defence upon
 timonials, and has quoted one of them—having mentioned the person
 le one of the affidavits which he refers to—he would just mention to
 the other was ; and then I shall ask another question, which will admit

down the mind in that that ought to be laid diligence it can be, for preventing it trying to namely, by the charge paring them with the e

The honour
of the House
of Commons
not involved
in the deci-
sion of the
court.

My Lords, I trust I topic that has been intro upon the present occasi House of Commons is Hastings cannot be acqu the House of Commons, prosecution ; that, if M of Commons must be cor that was ill-founded. I hope the honour of the H with the honour of yo found ultimately to be n that your Lordships mu pronounce Mr. Hastings so, the honour of the the event. If we were either the honour of the ficed, by pronouncing t honour of your Lordship it not to be what it is—i tive, surely it is fair to to be consulted rather th my Lords, I hope in this

at the expense of justice. Their object is, not the individual 23 FEB. 1702.
the crime. If the crime does not exist, they have no
statement against Mr. Hastings. And, therefore, I am per-
suaded that the House of Commons and every individual
member of it has no other wish but that the charge should
fairly sifted and examined, to see whether their suspicions
well or ill founded; and that every member of the House
of Commons will rejoice, if it should turn out, in the event,
Mr. Hastings is able to exonerate himself from those
imputations that have been cast upon him and upon the
Hon. Mr. Hastings is able to do it, I am sure that it
will meet with the wishes and the joy of every individual
member of the House of Commons: so far [are they] from
imagining that any prejudices should arise with respect to the
fact, or that the honour of the House of Commons should
be considered as necessarily involved in the event of the
present prosecution.

My Lords, I hope your Lordships will pardon me for
having taken the liberty of stating these preliminary topics,
which seemed to stand in the way of that discussion that I
desire to give this cause, upon which I will enter with all
diligence in my power.

My Lords, I am perfectly sensible that, having to discuss
a charge and intricate a charge, which involves a reference to
a number of documents, especially upon a subject with
which I must be so imperfectly acquainted, I shall be guilty
of many mistakes. I hope that, whatever inaccuracies I may
be guilty of—and I fear I shall be of many—they will
fall only upon myself, and that the cause of the gentleman
towards whom I appear may not in that respect, as in any other,
suffer from my defects. My Lords, I am the more disposed
to say this from what has happened with respect to a paper
on the present subject, that was drawn up for Mr. Hastings
by a friend, to whom it was committed.* I do not mean to
say that any improper use has been made of that confidence
which Mr. Hastings thought he might safely repose, when
the House of Commons were his accusers, by putting them
in possession of the general nature of what he had to offer in
his defence. He was perfectly certain that no ungenerous
would be made of that confidence. I do not mean to say
that any ungenerous or improper use has been made of it;

Apology
for inaccuracies.

Mr. Hastings' Defence
at the bar
of the House
of Commons.

The Paper referred to is the Minutes of Mr. Hastings' Defence, delivered
at the bar of the House of Commons.

25 FEB. 1792

Not his own
composition.

but, my Lords, I am sure, from the honour and the candour of the gentleman* who commented upon that Defence, that if he had known the circumstances under which it was written—which have been in proof before your Lordships—that it was drawn up, great parts of it, without having been seen by Mr. Hastings at all—that the rest of it was only hastily read over to him, at a time when his own mind was occupied in his defence upon another Article of charge—I am perfectly persuaded, from the character, from the honour and the candour, of that right honourable gentleman, that he would be the last person in the world that would wish to press in a criminal trial the inaccuracies of a friend—if they were any—against Mr. Hastings—to make him criminally responsible for inaccurate reasoning upon the minutes and documents which he was put in possession of; that, if there be anything which belongs to him in the discussion of it, all that could be said at the utmost would be, that he had had an injudicious friend—as he has now, certainly, a very injudicious advocate. And, therefore, I fear that, if, in the one instance, he may have suffered at all from inaccuracy or unguarded expressions in that paper, in the course of what I have to offer, I shall be guilty of many inaccuracies and defects. But I hope your Lordships will not permit his cause to suffer from having an indiscreet friend—if he had in that instance one—or from his having an inaccurate indiscreet advocate upon the present occasion.

Claim of
attention
from the
Court.

I have only one thing more, before I begin, which is to request that I may be honoured with your Lordships' attention; for the subject that I have to discuss is of a nature that cannot be understood without very close attention; and your Lordships having given it that attention, I am sure of the event. I am certain of the event when the case is understood; and I am also certain that, to the right understanding of it, nothing more is required than correct attention to it. But attention is absolutely necessary; because, upon a subject which is involved a good deal in the manners and customs of a foreign country, where a variety of documents are referred to and particular parts are extracted without referring to the occasion, to the context, to the date—unless correct attention is given to the expressions that are used, to the terms that are introduced in a subject of this

* See Mr. Sheridan's speech in Summing the Evidence on the First Charge; vol. I., p. 487.

depending upon opinion and upon suspicion of intention—^{23 FEB. 1798.} unless close and accurate intention be given to the
it—great danger there will be of mistake.

My Lords, in investigating this subject, I have laboured to compensate for my other defects with all the little faculties that I possess, and all the industry in my power has been devoted to this subject. I flatter myself that I do understand it; and, if I do understand it, I hope I shall be able to satisfy every one of your Lordships and every person that does me the honour of hearing me that the whole Article, from the beginning to the end of it, is founded upon erroneous principles, upon erroneous inferences, drawn upon grounds that do not in any respect warrant them, and when it is fairly investigated and fully understood, will not remain in the breast of any one individual the least particle of doubt upon the honour of Mr. Hastings, the purity of his intentions, and upon the rectitude of one of the measures in the charge.

The charge founded on erroneous inferences.

My Lords, the Article that is now the subject of discussion professes to be, in the nature of it, a history. It presents to your Lordships a historical review of events in the Province of Benares, commencing, I think, in the year 1764 and terminating in the year 1784; comprising, therefore, events scattered over a period of about twenty years. In the nature of it, it is like all other histories; the historian states his own opinion as to the nature of the measures that were taken, and his opinion also or suspicions respecting the intentions of the person concerned in the history. And your Lordships will find it to be extremely necessary to attend to the simple character of the present charge; because, with respect to the measures themselves, there will be very little to say; but it is in the other two characters, that is, with respect to the opinions and with respect to the suspicions of opinion, your Lordships will find the whole criminality in the present charge to consist; and it is to those points I beg your Lordships' attention to be directed.

The present Article a history.

Suspicious of intention.

My Lords, this charge is divisible into two general parts. The first fourteen paragraphs are introductory, and contain nothing of charge at all. It is all prefatory matter, for the purpose of establishing certain introductory principles, as a basis or foundation upon which the charges are built. And, undoubtedly, upon that part of the subject it is extremely necessary to be very correct; because, if the premises are ill-founded, there will be great danger that the conclusion will

Prefatory portion of the Article.

portion.

Charge of
raising both
Cheyt Sing
and the
governors of
Benares.

Matter of
the charge
founded on
the history
of the in-
surrection
of Benares.

with transactions in the
general heads—as it res
to the province of Ben
having caused the ruin of
that it was with a view
ruin him, in consequen
him. With respect to th
by his misrule and misc
flourishing and opulent p
That is the general natur
sible generally in the wa
personally to an individua

My Lords, the subject
founded is the history of
comprises events that pre
that followed it. It is at
imputable to Mr. Hasting
breach of faith and oppre
that preceded the insur
several demands upon Cl
unjust, to be in direct
reposed in him, and in
malice and a design to ha
stated that all the dem
intuita—with that horri
mencing on the 9th of J
out, for a period of three y
supposed object in the
expulsion of Cheyt Sing;
throughout all the histor

for a similar sum, and, in the year 1780, an additional demand made upon him for cavalry. The general nature therefore, of these demands is a requisition of military assistance during a war; and the motive assigned for that requisition is a regular plan formed by Mr. Hastings to harass, distress and, finally, to ruin Cheyt Sing from malice; and that those demands were rigorously prosecuted with the same bad intent.

It is stated that, afterwards, Mr. Hastings prosecuted a Journey to Benares for the purpose of effectuating the ruin of the Raja, and with a view to extort large sums of money from him, without any just or reasonable cause. His conduct at Benares is then the subject of particular discussion; and it is stated that he there preferred against Cheyt Sing charges represented as false, wicked and malicious. It is asserted that, in respect of these charges, Cheyt Sing delivered an answer that was a full denial or a complete justification. It is stated, with respect to the conduct of Cheyt Sing, that he demeaned himself with the utmost possible submission and humility; which your Lordships will find stated in the twenty-second paragraph—to which I shall call your Lordships' attention more particularly in a subsequent part of this business—where it states the extraordinary submission and demeanour of Cheyt Sing. All the expressions that he made use of are set forth *verbatim*, for the purpose of representing this person as a humble, faithful, obedient, suppliant, zamindar—prince I should say, for he is so called—making a full justification of himself, desiring an inquiry into the charges; notwithstanding all which humility and submission and full justification, it is stated that Mr. Hastings arbitrarily and tyrannically put him under arrest, and loaded him with unmerited indignities.

The next matter that is in charge is, that Mr. Hastings raised the insurrection by his violence, breach of faith and oppression; that he, upon pretences that are stated to be extravagant, untrue and incredible—that Cheyt Sing was aiming to establish his own independency upon the ruin of the British empire—raised a war against Cheyt Sing; that he resisted all the endeavours of Cheyt Sing for an accommodation, and that he finally expelled him from his country; that the war that followed upon it is solely imputable to Mr. Hastings, and that he is the person responsible for all the dreadful consequences that followed upon that occasion.

23 FEB. 1793.

Journey to Benares, with a view to extort money.

The origin of the insurrection charged on Mr. Hastings.

Gur, which the Article rep-
dence of Panna and the
Bulwant Sing, and an attac
any inquiry whether they
or not. It imputes to Mr.
women—that it was caused
that he issued.

Prize money. The Article next relates t
treasure that was found at
left there by Cheyt Sing ; at
upon that subject, the origin
attempt to retract, the deek
and afterwards an attempt to
it says—" Mr. Hastings was
had pursued in a long series
cruelty, oppression, breach of
a long string of similar expre

*Settlement
of the pro-
vince.*

It then comes to the settle-
to the capture of Bidjey G
charge, the appointment of
the government of the prov
ment of his father, Darbe
steward of the province ; and
prehended in the settlement
occasion. It then states, as
of Durbejey Sing, who had
the representative of the s
the appointment and removal
man called Jugger Deo Sing
whole with an account of the

Lords, from this statement, it must have appeared to Lordships how much of it depends upon the two heads I have described. When we separate the measureselves, stripped of all the load of words which are about them, and see what are the simple transactions, appear to be nothing but these—that Mr. Hastings in of war called upon Cheyt Sing for assistance; that forced obedience to those orders by means that are not set in the Article—and, therefore, I do not now anticipate sence; but that he prosecuted these demands; that he rards made a charge against Cheyt Sing for having eyed those orders, and for disaffection; that he put him an arrest in consequence of that; and that, upon that, surrection arose. Who was the author of that insurrection, is all matter of opinion, matter of suspicion, which under the circumstances. But, your Lordships observe, ransactions are reducible only—to demands made; to ds prosecuted; charges of disobedience of them; a lled to an account for them; and an insurrection in quence of it. And it is represented that the whole is imputable to Mr. Hastings, and that Cheyt Sing is exculpated.

23 FEB. 1792.

Statement of the transactions separated from suspicions founded on them.

ore we go into the particulars of the story of these ds, which are represented to have originated entirely malice, I would just observe that the more natural is, that they might possibly have arisen from a sense ublic duty—from Mr. Hastings thinking that he had a o make these demands upon him, and thinking that he und to make them. It is possible that the requisition ops and service in the time of war might be owing to motive. It is possible that Cheyt Sing may have ac- disobeyed those demands; and that the charge pre- against him for disobedience may be true, and not wicked and malicious, as you impute it; that, upon t might be proper to arrest him; and it is possible, at that the subsequent insurrection may be imputable, not ther to Mr. Hastings, nor in any part imputable to Hastings, but solely to Cheyt Sing, with all the conse- es of it—imputable to the insurgent, and not to the n against whose government that insurrection was raised. Lords, I say it is possible to be so. I do not at present ore than state, that, upon the face of the transaction, appears to be the more natural, the more probable, ink.

Probability of the demands arising from public duty.

Possibility of Cheyt Sing being responsible for the insurrection.

25 FEB. 1782.

Undoubtedly it is not enough to say, that, because story as related is not very probable, therefore we are to reject it; but I only say, that, upon the first face of it, it is possible at least, that some erroneous opinions [were formed] with respect to the right of making these demands—some erroneous opinions as to the mode of making them; and also that some little credit was given to Cheyt Sing which he did not deserve—that he was perfectly innocent of the charges made against him, and that that personal disobedience of his arose from pure fidelity, affection and attachment, to us: it is possible that they may be mistaken upon these subjects. It is for your Lordships to inquire whether those imputations are well founded or not.

Charge of
deliberate
intention
to ruin
Cheyt Sing.

The principal part of the imputation upon this subject respects the corrupt and wicked intention imputed to Mr. Hastings; because, most undoubtedly, if the motives of Mr. Hastings towards Cheyt Sing could have arisen from the base and diabolical motive to ruin him—if it was possible that the heart of man could conceive such a design in the year 1778, and prosecute it for three years together—to be sure, a more horrid motive cannot be conceived. For no person to conceive a design to ruin another is, between one and man, a dreadful crime. For a public man, in a public station, to abuse his trust for the purpose of gratifying his private malice and resentment; to use the power with which he is entrusted purposely to drive a subject of that empire—perhaps I ought not to call him so at present, because I am anticipating the argument—but, still more, a prince and a tributary prince, as he is represented to be—to have endeavoured, at a period of that imminent danger, to drive him into rebellion, to excite and provoke him to do every act for that purpose—and to have prosecuted him so insidiously—is one of the basest, the most horrid and diabolical, motives that ever entered into the heart of man to conceive, or that ever was imputed to a public man. My Lords, when such is the charge, your Lordships will certainly expect strong proof to support it.

Nature of
evidence re-
quired for
such a
charge

My Lords, I am aware that to prove such a motive cannot very often have direct evidence. It must be circumstantial evidence. But circumstantial evidence admits a greater or less degree of proof, according as the circumstances are the necessary concomitants of the act. Where the motive is necessarily implied from the acts—where there is no extrinsic evidence, but it is to arise, intrinsically, from

themselves—undoubtedly, the acts ought to be of a 23 Feb. 1798.
that can be referrible to no other motive, and that are
fferrible to that motive; that are, in their nature,
anied with circumstances of such a kind, that it is
ble to conceive that any person would be committing
sts or promoting those measures who was not actuated
a motive.

, my Lords, before I examine the foundation of the
of the question of right, or the grounds upon which
y severe imputation is made upon Mr. Hastings, will
ordships permit me, in a very cursory manner, merely
e under what circumstances this private personal
is imputed to Mr. Hastings, with respect to these
s. My Lords, all the measures that are imputed to
stive met with the concurrence of every member of
ncil, in the place where they arose. Now, my Lords,
et me be misunderstood upon the present occasion. I
nfer from thence, or mean to argue, that the concur-
others is any vindication of a bad action: I do not
infer from thence that the concurrence of others is
ument of the rectitude of the measure: but I do,
bmission to your Lordships, argue, that, if I can show
ersons, who are not influenced, and not suspected to
anced, by that individual, personal, motive that you
to Mr. Hastings, concurring in the same acts, it
a fair argument that what you suspect to be the
is not the true motive; because I find the same acts
e by those who are not influenced by such a motive.

Concurrence
of the Coun-
cil in all the
measures.

I will, only in a cursory manner, beg leave to refer
ordships to the evidence now before you. I will state
s wherein your Lordships will find all these acts—
all state presently in what sense I use that word—
ly receiving the concurrent support of every member
Council, during the period of their execution.

Lords, I stated that the measures antecedent to the
p to Benares consisted of four demands. All four
s were made with the unanimous concurrence of the
Board. The first demand is made upon the 9th of
1778; and, by the printed Evidence, page 67, your
ips will find that the members present were
astings, Mr. Barwell, Mr. Francis and Mr. Wheler,
at the question was carried unanimously.

Unanimity
of the
Council in
the demands
on Cheyt
Sing.

next is the commutation of this demand from a requi-
of troops into a sum of five lacs. That was upon the

your Lordships will find that they were unanimous in support of the demand.

The next demand is that the printed Evidence, passed by Mr. Hastings, Mr. Francis being indisposed; and that in support of the demand.

The last demand is upon By the printed Evidence, that three gentlemen were present and Mr. Wheeler, Sir Eyre and they were unanimous appears, therefore, that the originate in the private, and, in a design to ruin the unanimous concurrence of

Instances of previous dissent.

My Lords, I do not mention demands were unanimous, when some of the members is pointed out particularly temporary dissent of Mr. F. 28th of September, 1778, page 74;—the dissent of Mr. F. the question of right, on the 28th of September, 1778, in page 88;—the right, again upon the 29th of September by Mr. Wheeler to troops balance of one of these demands to have called your Lordships

malice of Mr. Hastings, Mr. Hastings brings for-
to discussion in the presence of Mr. Francis and of
Wheler, the Board being full. Did that motive escape
notice of Mr. Francis? Was he in the habit of receiving
favourably any measures proposed by Mr. Hastings, in
1778 and 1779? And, in the subsequent period,
in the habit of overlooking so plain and clear an act
as is stated to be—a direct breach of treaty, and origin-
ally a foul motive to ruin an individual? The suspicion
rest upon Mr. Hastings of a personal animosity towards
Cheyt Sing, if it existed at all, must have been best known
to those who were upon the spot—particularly known by
Mr. Francis, who was upon the spot, and is supposed to be
well acquainted with every circumstance. I shall, by
and by, state the very frivolous circumstance which is relied
upon as producing this animosity. He was present; he was
awake at the time; awake, therefore, to suppose and
to every measure towards Cheyt Sing to have originated
in that motive.

He, then, is Mr. Francis—in the constant habit of
difference with every measure of Mr. Hastings—a
most likely to have discovered that bad motive if it
was in a person who, at one time was not friendly to the
cause, but, upon the first occasion of it, upon the 9th of
July, 1778, starts a doubt upon the point—who, afterwards,
in the month of August, 1778, expressly argues the question
in favour of Cheyt Sing—upon the 19th of July, 1779, agrees to it without
any objection; and, though he, in the course of the
trial, makes an objection to the mode of prosecuting the
cause, yet, in the last year, throughout every part of it
he concurs in the demand]. Upon the 14th of January,
1780, he wrote to the court of Directors—he and Mr. Wheler,
and also doubted upon the subject, when Mr. Francis
and Mr. Wheler composed the majority, and Mr. Hastings
was the only individual besides at Council—reprobating the
conduct of Cheyt Sing, and saying that, whether his conduct
sprang from a sense of independence or from a fear of esta-
blishing a precedent against himself, his conduct is equally
unreasonable, and an ungrateful return for the benefits he
received from this country. That letter is signed by
Mr. Francis and Mr. Wheler, the two former dissentients,
and assented to by Mr. Hastings. They all three concur. Your
ships will find that letter upon your Minutes, page 90.

23 FEB. 1792.

discussed in the
presence of
Mr. Francis
and Mr.
Wheler.

Their repro-
bation of
Cheyt Sing's
conduct.

joint minute of opposition.—“ We had already resources for the year, and for the purpose, we must supply what becomes of this suspension of the gentlemen themselves has temporary opposition to it right—when these two gentlemen have determined upon it as so much a matter of course, they have headed it in their resolution, and could not spare it—“ if you have something else?” And, at the time when they were Mr. Hastings, your Lords in supporting that; at the time when they formed a majority and could not approve of it, here we have

Their concurrence in enforcing the demand by troops.

Nay, still further, your course of that same year, as appears in the printed time when there were present Mr. Wheler, Sir Eyre, and these three persons again, years forming a majority, only in favour of the demand by troops. Having upon a doubt as to the propriety upon that day, the 26th

23 FEB. 1792.
—
than to
Mr. Francis.

**Inforcement
of the
argument.**

**Mr. Francis's
doubt of
Cheyt Sing's**

23 FEB. 1779.

ability to
meet the
demand.Contrast
with Mr.
Hastings'
views.Approval by
Mr. Wheeler
of Mr. Hast-
ings' con-
duct to
Cheyt Sing.Confirma-
tion of his
measures by
Mr. Wheeler
and Mr.
Macpherson.Approval of
all persons
in the Go-
vernment.

doubt of the ability of the man to perform them; Lordships will find that Mr. Francis, in his original motion upon the subject, on the 17th of August, 1778, "It will be less distressing to the Raja to demand instalments than to demand it all at once." And, in September, 1778, he says—"The Raja might pay it if it." Mr. Francis doubted both upon the right and the ability of the man to pay it; and Mr. Francis and Mr. Wheeler concur in these demands, notwithstanding doubted upon those points. Mr. Hastings, having no opinion upon either, constantly declared his firm and clear opinion both with respect to the right and with respect to the ability of the man to pay it. Therefore, I say, that, if I am to draw inferences of malice and of bad motive from these measures, I should surely be arguing fair in saying, that those who supported the measures, entertaining doubts of the right and entertaining doubts of the ability of the man to pay it, are persons against whom I should suppose the charge of malice is to be fairly pressed, rather than against him who had no doubt of the right, who had no doubt of the ability of the man to pay it, and who proposed the measure in that point of view.

Mr. Lords, I do not mean to rest solely upon the supposition that these measures were received; I do not mean to waive examining the measures themselves; but I am only, in this manner, at first, showing your Lordships under what circumstances the charge of individual malice in these measures is imputed to Mr. Hastings. I shall, before I quit this subject in India, go on with the history of the measures after Mr. Francis left the country, and left only Mr. Wheeler and Mr. Hastings in the Government. Your Lordships will find that the subsequent conduct of Mr. Hastings towards Cheyt Sing was communicated to Mr. Wheeler, and that Mr. Hastings went up to Benares; and I have a right to say, at least, that Mr. Wheeler did not disapprove of it. There is some evidence that he actually approved of it, when it was communicated to him, he did not disapprove of what Mr. Hastings proposed respecting it. He was the only other member of the Council; and, if there was any doubt upon the subject, when another member of the Council was added to the Board, namely, Mr. Macpherson, who came out in the course of that year, Mr. Wheeler and Mr. Macpherson afterwards approved, ratified and confirmed the whole conduct of Mr. Hastings upon that subject. I will not tire your Lordships with a particular detail of an observation that is made upon the conduct of

man, which shows that, upon that part of the case, ^{23 FEB. 1792} the proceedings did, with respect to his conduct towards Cheyt Sing, Benares, and in all his measures, receive the entire approbation of all persons then in the Government. This is an observation that is made upon their conduct when this case is under discussion—and I only state it because it is the trouble of a particular quotation,—

“the conduct of Mr. Hastings towards Cheyt Sing has been such as to merit the approbation of this House, the two members of the Council, Mr. Wheeler and Mr. M'Pherson, are intitled to their approbation, for the unreserved manner in which they have approved his acts. If, on the other hand, the House be of opinion that the proceedings against Cheyt Sing were unjust, oppressive, and contrary to public faith, those members of the Council who approved their measures are implicated in the criminality.” *

I am only to say, that the whole conduct of Mr. Hastings towards Cheyt Sing, before he went up to Benares and when he went up to Benares, met with the approbation and sanction of every member of the Council upon the subject at the time. I certainly do not mean to argue, that, ^{Justification of the measures by general approval of them.} all those persons concurred in approving them, therefore those measures are right. But, perhaps, your Lordships may have some little presumption of that sort fairly arising from the subject; because, after we have reasoned from documents and books, and in our closets, upon subjects arising in our country, perhaps it will appear that some credit is to be given to those who are upon the spot, who have the best knowledge, who are conversant with the manners, customs and the laws, of the country where they govern; that the most ingenious, most learned and most acute, when upon the subject, confined to books and in their studies may rail at measures that may not be found ultimately to merit reprobation. I do not mean anything invidious. I am only to say, that it is possible that we may be deceived in our respect to measures, collecting our knowledge through the medium of books and papers, not being upon the spot. Persons who are upon the spot have the advantage of knowledge; and they have many advantages which are not enjoyed by persons at a distance. But, surely, it is not for me to argue, that upon this subject there could not be any suspicion of malice. If the measures were ever so good and inexpedient, that could not possibly be. ^{Want of evidence of malice.} You will find out some cause that is adequate to the effect. But I do not impute to the bad motive of one individual what

— is the act of four, five, six, seven. It will not do; it is not broad enough to cover the thing; there must be strong evidence to afford such an inference as that. It appears to me, under such circumstances, that, at least, your Lordships would expect very strong and pointed evidence to satisfy you that this extraordinary circumstance could be—that Mr. Hastings, acting upon malice, and with a design to ruin this person, should have the concurrence in the measure of those who concurred with him in no other measure who were opposing all his other measures. That they do the very same thing who were not under the influence at all of that bad design, is a most extraordinary circumstance to happen.

Concurrence
of persons
of different
political
sentiments.

Instance
from the
House of
Commons.

My Lords, an observation was made with respect to the charges, that they were intitled to particular respect, because persons who entertain different political sentiments concurred in their support. I beg to say, that that is a fair argument to be addressed to your Lordships; but your Lordships are to determine upon your own merits and not upon the opinions which any other persons entertain. But, as an argument that the charges were not valid, the concurrence of persons who entertain different political sentiments fairly applies. Now give me leave to apply that argument to the present subject. We have persons of every spot, of every different political sentiment, all uniting in support of these measures. Then, to take the right honourable gentleman's own argument upon the subject, it affords an inference both of the rectitude of the measures and the rectitude of the motive. Give me leave to put the case that, in the House of Commons, or in any other assembly of the people, are generally in the habits of political difference, I find the Minister for the time being bringing forward a measure against a particular individual, and those who are in the habit of opposing that Minister should say, "we concur with you in it; we approve of it and support it." Would not any man say that that was a fair way to show that the conduct of that Minister to that effect did not originate in a sinister or corrupt motive? In the first place, that he would not have brought forward a measure of such scrutiny of his opponents a measure originating in a sinister motive; in the next place, that it could not have escaped the observation of those opponents; and, lastly, that he was less likely to obtain their support when they had observed the propriety of the measure? I hope I have suc-

wing that that which is the principal part of this charge, 23 FEB. 1792.
 nely, that all these measures originated in a bad motive,
 ges forward under very improbable circumstances.

It has already been stated, in the general opening, that

A motion, upon the 9th of July, 1778, was made in conse-

quence of a doubt, arising in conversation, respecting the

st. Mr. Hastings himself entertained no doubt upon that

tion, but, finding that an individual member had, in

conversation only, suggested a doubt—and that so faintly

it did not form any part of the minute—Mr. Hastings,

mediately, in a way that clearly shows how conscious he

of the rectitude of his own measures, says—"If there

any doubt upon the question of right, let the question be

ferred to our superiors." He then immediately records his

opinion upon the subject, on purpose that it may be

passed by his superiors—that they may see what his

is, and the grounds of that opinion. Mr. Hastings

says—"I agree to the question, in the original form of

deeming it a right inherent in every Government to

use such assessments as it judges expedient for the

common service and the protection of all its subjects; and

are not precluded from it by any agreement subsisting

between the Raja and this Government." There is Mr.

Hastings' proposition—whether well founded or not, will be

that I shall consider by and by; but all I mean to say at

present is, that this was the open conduct of an honest man

had nothing to conceal—"Here is my proposition; if

doubt of the propriety of it, send it to our superiors; let

decide it." Is it to be supposed that, if Mr. Hastings

conscious that he was bringing forward a measure with

view to ruin a man, he would invite and attract the

eye of his superiors to it?—that he should be the only

to do that, though the other members of the Board

ould have let it pass over in silence? For Mr. Francis, you

find, says not a word upon the question of right; says

a word upon reference to our superiors; but, Mr. Hast-

says—"I have no doubt upon the right, but if you have

doubt about it, let the question be referred to our superiors

let them determine it." He is, therefore, the person

calls the notice and attention of his superiors to that

which is supposed to be his own wicked and malignant act:

brought home to his superiors.

doubt had arisen; and your Lordships will recollect

what subject the doubt was. In the commencement of

The question of right referred by Mr. Hastings to the Directors and Ministers.

Declaration of his own opinion.

No expression of disapprobation

out; it was to be repeated in the letter of the 17th of munition to the Direct demand which was to com The Directors then are pu for the time being, before ordinary course come, is p stance. Mr. Hastings say a right, during the war, *navisti rectius*, tell us. If ject, send out your better ties of inquiring; you have consult all the most learn the subject; you have ful all the distresses of the Go of war; there are twenty clerks, examiners, and per thing for you—do you ex if my opinion is wrong, t He sends to them, in t desires to be directed by There is sent to them, year an account of all the dem doubts entertained upon th What do the Directors? of the smallest disapprobat

Mr. Hastings justified in presuming their approval.

Now, give me leave to public man abroad? He ment. If there is a doubt will refer it to my country

clude is the opinion of the court of Directors and all 23 FEB. 1792.
to whom the despatches are carried? Is he not to
see that silence gives consent, because silence must
be to the continuance of the demand? He could not
it. He had stated that he meant to continue it during
war; therefore, if they thought it contrary to the treaty,
it incumbent upon them to have said so. Silence could
operate to prevent, but must to continue; therefore,
the court of Directors received the accounts of those
ends, as they were made for four years together, and
offered a word of disapprobation, Mr. Hastings was
to infer from thence, they had no doubt upon the
question of right which was referred to them. He could
possibly suppose, if his conduct was not approved of,
all the court of Directors were so indifferent to the
business of the Company that they would not read the de-
bates; or, if they read them, that they were so corrupt
that not one of them, if he discovered it to be an act con-
trary to treaty, would have said so. He could not have
been so stupid as to think so of his superiors. If that was the fact,
I am sorry for it. I do not believe it, for their sake. But,
he has the misfortune to serve such masters, who will
tell him how he is to act when he refers his conduct to
their judgment, he must conclude from thence that his
conduct is approved in that particular, and that he must go
on the same course. Give me leave to ask how would it be
in the case of the Lord Lieutenant of Ireland, or a Governor
of the West Indies, informing a Secretary of State that he
has taken a certain line of measures during the war, and
asking his approbation or disapprobation respecting it, and
the Secretary of State not sending him back a word of dis-
approbation? Is it to be understood that men in public
business abroad, when they communicate the measures they
propose to pursue to their superiors at home, who have all the
means of knowledge, for approbation or disapprobation
are to be understood that they act at their peril?—that, if
they do not go on and act upon their own judgment, they
will be then guilty of course of misconduct; but, if they
act upon their own judgment, if they do act upon an
implied approbation of their superiors, that, after that, they
cannot be impeached for their conduct? And is it now to be
said after this had been lying before the court of Directors
for years, that you are to be impeached for having acted
upon the implied approbation of that long silence of the

Instance
in conduct
of Lord
Lieutenant
of Ireland.

18 FEB. 1792. court of Directors and of all his Majesty's Ministers on the subject?

With respect to his Majesty's Ministers, these measures were brought in a communication, it may be said, the multiplications prevented their going into a detail on this subject; but I do not find the same indulgence made for the great pressure upon the multiplicity of his concerns. He is every document, every letter, every scrap of paper, he is to have no indulgence shown him for the midst of all the multiplicity of concerns in his mind, when he has all the empire to conduct, can find out, from the year 1702, before the establishment of this Company, an obsolete order, in any of the records at the India House, or stuck up in a drawer, that Mr. Hastings has not seen, read, or understood. In the multiplicity of business, when conducting a war, he has no indulgence at all shown him for inferences of malice and bad intention are to be drawn against him, if he has not acted upon an old measure which, if they had looked at it, they would have found obsolete.

With respect to his Majesty's Ministers for being, I do not mean to impute anything to any of them, they might be prevented by the multiplicity of engagements which they were engaged. Undoubtedly latitude of indulgence must be given to men in great stations: they cannot attend to the great and pressing occasions at the same time, and they cannot be tried in this manner for little or little defects. I only infer from thence, that there is culpability in the subsequent conduct of Mr. Hastings in continuing the demands. He did all that was his duty, he acted upon his own judgment; he communicated his intentions to his superiors; he must have inferred approbation from their silence.

But, my Lords, it does not stop here. The right to impose these demands has now been the subject of discussion for, I believe, near ten years. Everything that has been said upon the subject is ransacked. All the learning of the East and West, all ancient and modern learning, is brought forward upon it; the highest talents are employed in investigating this great question of right. What does the honourable gentleman who opened this charge tell me?

From the press of business in the hands of Ministers.

See Appendix to Mr. Hastings.

Mr. Pitt's approval of the act.

—says he—“particularly discussed this at full length, 23 Feb. 1792.
 upon this subject, I have the misfortune to differ in
 with the highest talents in the kingdom. Those
 I think it right to take this public opportunity of
 my testimony in favour of.”* Now, here we have
 attested to us that upon this subject there is at least
 unity of opinion. After it has been discussed for years
 : great talents and abilities have been employed to
 it out not to be a right—we are told by the right
 able gentleman who opened this Article, that, upon
 ry subject, the highest talents are of opinion that the
 s as Mr. Hastings conceived it! Then, upon that
 goes to the foundation of this Article—which cuts
 by the roots—that which pervades every part of it—
 t which it cannot stand a minute—upon that subject
 told that the highest talents in the kingdom, employed
 time, not by any friend or supporter of Mr. Hastings,
 a private room, but in the very place of accusation—
 his accusers—is compelled to admit, by the strength of
 a just judgment upon that subject, he would have
 in the same manner! I do not urge this, in the least,
 ring that the thing is right because the highest talents
 gaged in support of it; but surely it is too much to
 t your Lordships are to attribute that to malice and a
 to ruin a man, when the highest talents in the king-
 d: exactly of the same opinion and would have done the
 st. If it be malice in Mr. Hastings to have done it, is
 a thousand times more malicious to support it when

Abettors of
the mea-
sures equally
chargeable
with malice.

Did the point of malice escape notice? No! it was
 y object of the charge. When that malice was pointed
 hen that malice was argued upon—when every effort
 human mind was exerted to convince your Lordships
 was malicious—so obstinate is the malice of that other
 . that he, notwithstanding all this, perseveres in abet-
 tiding and supporting, the very act done by Mr. Hast-
 n India! I say, therefore, Mr. Hastings has the
 ation, at least, that, if this was malice, he has a good
 companions in his malice—a great number of persons
 ould have been guilty of the same malice towards
 : Sing.

are told by the right honourable Manager, himself,

Opposition
of opinions
on the case.

is the substance of a statement made by Mr. Fox in opening the
 charge; vol. i., p. 224.

peaches him for it, and says—"you
my opinion, and, therefore, I insist
malice." If he had said, on the con
we have no right"—then he would
honourable person of equal abilities
acted contrary to my opinion, and I
and corruption that induced you to d
have acted either way, he would have
greatest abilities in the kingdom.

Indulgence
to public
men.

I should have thought, some little
might be shown to public persons, in
their public life, they feel themselves
their opinions and to act according to
ment upon great constitutional ques
We have all seen, I think, in our own t
to have induced some little latitude an
sity of opinions upon great constituti
arising even in our own country, whe
are better established—where learned
where learned men have acted and ha
Need I go out of the present procee
engaged in, to show that upon great
there may be a diversity of opinion,
thing of malice or any possible sinister
to another event, that for a time spr
the country, where upon a great ques
a difference of opinion? Surely it w
upon that subject, difference of opinio
a bad motive in any body. My Lord

Reference to
diversity of
opinions in
public
affairs.

t the individual that it must be founded in malice if it 23 FEB. 1792.
 out to be wrong? I beg to say that, if a single Mr. Hastings justified from malice by approval of persons of the highest character.
 lual would come forward, not actuated by this bad
 s, to say, with respect to Mr. Hastings' conduct in this
 as—"I have examined it; I have read all upon the
 s; I have used my best means of information with
 E to all that he actually did towards Cheyt Sing;
 of opinion that he acted, not only strictly justifi-
 but highly meritoriously; I think I should have
 the same thing"—if I could find an individual of
 talents and great character that would come forward
 y—"that is my opinion upon it"—then, whether
 Hastings was right or not, I should not inquire; be-
 it is enough for me to say, it could not arise from
 s because here are the most disinterested, the most
 able, persons, of the highest talents, after all that has
 said and written upon the subject, who avow their
 a in favour of these same acts, considering them
 justifiable and highly meritorious.

ve taken the liberty, just in this way, in a very cur-
 manner, to submit to your Lordships a few observations,
 ag, as it appears to me, a fair ground of presumption
 t any supposed malice operating with Mr. Hastings, in
 ert of his conduct towards this person; and I hope I
 established a sufficient ground to induce your Lord-
 to suspect, at least, that these opinions respecting
 measures, and these opinions respecting these inten-
 may not be well founded. I do not ask your Lordships
 further; because I will now enter upon the particular
 sion of the particular measures, one by one, and I will
 ne the grounds upon which they are impeached, and
 which motives are imputed to Mr. Hastings of a
 r nature. And I trust, when your Lordships come to
 e grounds upon which these opinions are founded, that
 turn out that they proceed upon mistake, from the
 ing to the end—from partial extracts of documents,
 the remainder, if referred to, explains it—from taking
 ts, pieces and scraps, of documents, instead of looking
 whole, and where, if you read the whole, the sense is
 y made up and completed; and that, with respect to all
 suspicions of intention, they are collected upon grounds
 volous that, when they come to be examined into, I am
 aded there will not remain the smallest particle of
 t, in the mind of any one person whatever, that Mr.

Weakness of
 the grounds
 of impeach-
 ment of the
 measures.

Assumption
that Cheyt
Sing was
entitled to
exemption.

character; that he had
injustice, and so on, with
The whole of this is found
that Cheyt Sing, in the year
tributary prince, exempted
and upon any pretence what-
sum of money to him
was under no obligation at
for by the prosecutor; the
tion. The breach of treaty
so much loaded with the guilt
that he was a person exempt
kind whatever and upon any

Now, my Lords, in arguing
first place, lay aside all attention
of the right; because they ask
whether you have the right in
have properly exercised the right
and, therefore, when arguing
right, I mean to leave out at present
it. For the proposition they maintain
in no case whatever, and upon no
Cheyt Sing have been called upon
India to co-operate in the public
difficulty or emergency, let it be
was to pay a sum of money annually
that, beyond that, he was not liable
is the proposition.

Proposition
that the
exemption is
the result
of treaty.

Now, let us see how that proposition
stated to be the result of treaty
which Mr. [unclear]

things had declared his opinion that it was so ; and 23 Feb. 1792.
 the point to be made out by the fourteen first paragraphs of this charge. Now, that induces a necessity for examine those treaties, to see whether, in any one of them in the acts that are referred to, there is the smallest support for that assertion. I trust, when the whole comes to be considered, your Lordships will see it is all founded upon a ground from beginning to end, and that, in truth, there is a solid foundation for it.

I enter upon that inquiry, I will take the liberty of laying down one or two preliminary propositions. In the first place—to go by steps—I apprehend, as a general proposition, it will not be disputed that the subjects of every country, generally speaking, are bound to contribute to the support of that empire in a time of war, and that the sovereign power, wherever it be lodged, has an unalienable right to call forth and associate for the public defence the strength and power of every member of that empire. I lay that down as a general proposition. I believe it hardly be disputed. I conceive it to be the first principle in every society ; without it, society could not exist. The point for which men must unite themselves into society is for mutual defence ; and, I believe, the wildest of the “ Rights of Man” never doubted but that the natural social compact upon this subject is, that all the members of society are so bound, and must continue to be liable, so long as they continue members—that it is the fruit of that relation so long as it subsists. It is unalienable, because it does appear to me to be a contradiction in terms to suppose a person to be the subject of an empire and not be liable to the first duty of a subject, the duty of co-operating in the public defence. In fact, when he co-operates in the public defence he co-operates in his own defence ; and you can no more permit an individual member of the political body to withdraw himself from the general force than a member of the natural body to act—that he should be paralytic on one side and not on the other. All persons that are united in society must be bound to contribute, either in their person or their purse, to co-operate in the public defence. I conceive there is no doubt of this at general principle ; and yet, I think, your Lordships will find, by and by, that the argument will resolve itself into that principle, because I shall show indisputably, that Cheyt Sing was a subject.

Subjects bound to contribute to the support of the empire.

Speech of Mr. Plumer in the House of Commons. The next proposition that I insist upon, as a general one, is—that India is no exception to the general rule. Perhaps, it would be sufficient to say that it is a civilised society, and that which is binding upon you must exist there: but, with respect to that, we were properly told, by one of the honourable Managers, that the tenure there is a good deal of the feudal nature.* Now, to maintain that the individuals of a society which is of a feudal nature should not be liable to military service would be an extraordinary position, because, if it did not exist in other societies, it would peculiarly exist in such a society; it is the very essence of it that persons who hold land by a military tenure shall be bound to personal service. I was a little surprised to hear the honourable Manager who argued upon this subject state, that upon feudal tenure the services were always limited in their nature; and that they were confined, I think he stated, to three objects, that is, redemption of the lord from captivity; the making the eldest son a knight; and the marrying the lord's eldest daughter. So that, according to that idea, in a feudal state, there is no provision for war at all; for all these are things which happen in a time of peace. What is to be done in a time of war, if that was all? Here is a military tenure without the first object of a military tenure—the duty to co-operate. Your Lordships know that all that is a mistake, and I shall not go into authorities upon the subject. [As to] the *feuda propria*—the proper feudal tenures—*feoderum inventum peperit rei militaris necessitas*. The very essence is, that the services should be uncertain; and it was only an abuse and corruption of the original proper fiefs when they came to be *feuda impropria*.

Definition of zamindar. I will only say a word with respect to the character which, I think, I shall show your Lordships this person was in—I mean with respect to a zamindar; that a zamindar of India is a term, as your Lordships know, signifying landholder—a Persian word *zamin* being land, and *dar* the holder of it—a landholder; that all the landholders of that country are zamindars—the holders of land of the sovereign, who is the owner and proprietor of the soil, who is entitled to and receives a rent from all of them for their land. And your

* See the Speech of Mr. Grey in opening the First Charge; vol. I, p. 120. It will be noticed that Mr. Plumer has overlooked the admission there made, that "the vassal was bound to accompany his superior lord with a certain military force in time of war."

pe will find it to be very material to attend to that 23 FEB. 1792.
 ance—that the money they do pay, and that the
 , permanent, annual, revenue paid by them. is a rent
 r land, paid by all the zamindars of the country.
 ed formerly, I believe, to assemble upon a day called
 ra, when they came to receive their robes of honour,
 iads and kabuliyats, &c., that were made out every
 hem. In the reign of Ackbar, it was settled for ten
 the zamin, or rent, that was fixed afterwards was Terms of
tenure.

So at different periods of time they have been more
 xed ; and a variety of opinions have been entertained
 aking it permanent or not—varying it, and so on ;
 general mode of settling between the sovereign, as
 , and those zamindars, as holders of the land, has been
 ly, if the zamindar will not come up to the terms the
 poses, he is intitled to a mushahara or nankar, as
 ed—some little allowance—and the sovereign takes
 n of the country, and the lands go to somebody else.
 , he deals with him as a farmer—a holder of the
 aying a certain stipulated rent, which is matter of
 between them, and which is variable or fixed
 g as they agree for one year or more, or for a per-

that rent is a perfectly distinct thing, and has nothing Distinction
of rent from
duties as a
subject.
 with the obligation which attaches upon him as a

That obligation, arising in another character,
 from the relation of a subject to his sovereign, and
 he relation of landlord and tenant, is a perfectly dis-
 aracter and distinct obligation, namely, you hold
 id upon the payment of a rent, and, *ultra* and beyond
 u are liable to defend your sovereign—to defend the
 id yourself—not as matter of contract, upon which
 o make any specific stipulation with you, but arising
 e constitution of Hindustan, that you all constitute
 re the public force of the kingdom, in a case where,

Lordships know, there is no provision by taxes to
 onsiderable revenue—no commutation of that public

I am speaking generally of the constitution of
 an, and where, therefore, the sovereigns of that
 protect themselves by means of the landholders co-
 g in the public defence ; and your Lordships will
 t all the history—But I do not mean to trouble your
 ps with any great authorities upon this subject, be-
 nobody can look into the history of India without

finding that position of the zamindars—
being liable, *ultra* and beyond that, to yield
I will only just quote a paragraph that I re-
of Mr. Beecher's, speaking of what was the
verdy Khan's time—that, in Bengal, the
upon moderate rents; that, when there is
any war, they were able to supply and did ac-
supply the sovereign for the time being with
in point of fact, assist the sovereign with one
time, and fifty lacs at another, that is, a million
one time, half a million at another. And he
besides their malguzari—that is another word
the jama malguzari, kisthandi, and so on, they did
sovereign with a million at one time, and half a
another. It is mentioned in Gladwin's translation
Institutes of the Emperor Akbar, that "the subah
gal consists of 24 circars and 787 mahals, the re-
59 krons 84 lacs 59,319 sicca rupees, and the an-
furnish also 23,000 cavalry, 801,158 infantry, 170 ele-
4260 cannon, and 4,400 boats."* I will not trouble
Lordships with a variety of authorities upon this
ject, because I do not find it is much put upon
principles of general law, but upon special contract
this individual; and, though it seems to me to be ne-
cessary to understand clearly what is the constitution of the
dustan, in order to understand these contracts, yet, perhaps
it is enough to state what my ideas are with respect to the
general right, and the use that I shall afterwards make
of it.

Agreements
with Bul-
want Sing
and Cheyt
Sing.

Cheynt Sing
not an inde-
pendent
prince.

With respect to the contracts that were made with Bul-
want Sing and his son Cheyt Sing, I apprehend it will be
necessary for those who contend, on the part of Cheyt Sing,
for his exemption, to establish one of two propositions—either
that Cheyt Sing was not a subject but an independent
prince, or that, if he was a subject, he was by some contract
exempted from the duty of a subject, that is, this duty is
particular of military service. I deny both.
First, I deny that he was an independent prince, and
insist upon it that he was only a subject, though a very
considerable subject. In the next place, I insist upon it
that, being a subject, he could not be exempted from

* "Ayeen Akbery: or the Institutes of the Emperor Akbar. Translated
from the original Persian by Francis Gladwin." 3 vols, 8vo, Oxford, 1786;
vol. I., p. 17.

y of a subject; and in the last place, that he was not ^{23 Feb. 1792.} added to be exempted. I deny all their propositions—
 he was either independent, an independent prince, or
 he was ever exempted; that he could be so, or was
 intended to be so.

And, with respect to independence, I trust it will appear,
 as it comes to be examined fairly, that it is an entire
 mistake, and that the only sense in which that word is ever
 used in any one part of all the records upon the subject, will
 be found to be this—and I state it beforehand, in order that
 the Lordships may see whether I make good my proposi-

tion or not—that the only independence that Cheyt Sing
 his father ever had was this—the independent govern-
 ment and management of his country, as between him and
 the inhabitants of the country; that his zamindary was

Absolute in
 his own
 government;

given to him free and uncontrolled; that the internal govern-
 ment was meant to be given up to him entire, without the
 interference of the English Company at all; but that, when-

ever that word is used, if they would but have looked at the
 page, the same sentence of the document, they would
 have found that the word "independent" is constantly qual-

ified in this manner—"under the acknowledged sovereignty
 of the Company;" and that the sovereignty of the Com-

but subject
 to the
 Company.

pany is, in the most positive, express and direct, terms that
 language can import, "reserved, in as full, large and ample,
 manner as ever was held, or might have been held, by any
 their former sovereigns." These are the very words of a

document that they have quoted, selecting the word "inde-
 pendent," and leaving it to operate generally, in the full

unqualified sense of the word "independent," when,
 in the very same document—in the same page—in the

same sentence—it is qualified in this manner—"under the
 acknowledged sovereignty of the Company;" with a full,
 explicit, direct, reservation of the sovereignty of the Com-

pany, and expressly stating his vassalage. So much with
 respect to independence.

In the next place, with respect to his being exempted
 from the duty of a subject, I say, that the most express
 document cannot dissolve it. You cannot be a subject and

His obliga-
 tion as a
 subject.

not a subject; and it is treason against the state to suppose
 that it can divide itself. If he is a subject, he must be
 bound to this primary, fundamental, duty of a subject. But,
 when it comes to be examined, what is this idea of exemp-

21 Feb. 1782 pressed that it is astonishing to me how there could be doubt about it—that the only exemption that he ever had at all was this—to make the rent he paid for his land fixed and invariable. But the idea of ever absolving from the general duty that he owed, the obligation that was under to perform military services, is the most monstrous idea that ever was entertained. He was to have rent fixed and invariable. Rent and duty arise in a different character and in a different relation, and, therefore, it was found to be all resolvable into these two primary minds. I take the liberty of calling them so, because I have correctly examined every page and every part of them, and undertake to prove to the satisfaction of everybody that the foundation of that error, that we had no right to call up Cheyt Sing, resolves itself into one of these two things: a mistaken idea of his independence, or a mistaken idea of his exemption.

Treaties
with Cheyt
Sing.

My Lords, I come now to consider, as shortly as possible, the treaties they have alluded to; and they resolve themselves into four periods—the period of 1764 and 1765, which I consider as one;—for they have carried us up to 1764 and 1765, which is in the time of Cheyt Sing's father. In order to find out this proposition, we have gone a good way for it; we have gone eleven years back to find it out, and to collect it, if it could be collected, from all the history of every thing that a man said and wrote, and his extracts are collected to make out this proposition:—we begin, I said, with the years 1764 and 1765; we proceed to the year 1770, the year 1773, and the year 1775. The first three all relate to the period when he was subject to his former sovereign, that is, to Suja-ud-Dowla, so long as he lived, or to Asoff-ud-Dowla after Suja-ud-Dowla died in January, 1775.

Treaties of
the zamindar
with the
subahdar of
Oude.

Your Lordships know that this country was formerly belonging to the subahdar of Oude, as part of his dominions, but was obtained, as has been fully explained to your Lordships, in the year 1775, upon the new treaty made with the new Wazir, the Nawab of Oude. The first, therefore, of the treaties, and agreements, and acts, which respect to what was the case when it was under his former sovereign. The last period, your Lordships see, relates to the agreement made with him after we had acquired the country. The first agreement is with Bulwant Sing; and, with respect to him, the first thing that I see stated is, that he was a

Bulwant
Sing.

25 Feb. 1792.

Purchase
of title of
Raja.His office of
amin of
Benares.

title of Raja, which, your Lordships know, does not carry any authority, but is a title of honour, like a Barony in a neighbouring country: you might purchase it for a few rupees, which he did give for it. He bought that title for his son. That is the known history of this man. One benefit arising from this trial is, that, in the course of it, it has so happened that the matters which are the subjects of discussion here have been the subjects of discussion in another country, where, perhaps, there are better opportunities of knowing the truth of them; and I find, in the first place, where Lord Cornwallis had occasion to speak of this man, that the very first words he uses about him are these—"It appears that many zamindars were dispossessed by Bulwant Sing, when he was employed as an ameen of Benares under the father of the late Sujah-ud-Daulah. Therefore, in the year 1788, this same inaccuracy of Mr. Hastings does happen to communicate itself to another person, who has made that matter the subject of inquiry."

But it does not rest there; because it does so long that that very point—the dispossessions by this man—was the subject of inquiry; and there I find a report, made by a person upon the spot and in the country who remembers him and all his history. He gives the history of all his appointments; the time when he got every one of them; by whom he was appointed amin and sub-collector; and whom he turned out in order to get that. Every circumstance is stated; the dates and all the particulars respecting them.

Now, for the first proof of inaccuracy respecting the character of this man;—and, where the whole stands upon opinion, it is not immaterial to show that you are inaccurate in the very first point where you set out. Where you are charging inaccuracy upon Mr. Hastings, in that very point all the testimony of India concurs with Mr. Hastings, and shows that those who charge him with inaccuracy are themselves inaccurate. I will just read a few of them; they are very short. A very intelligent officer from Benares says,

"I submit a short statement of the dates and manner of the dispossession of the several landholders [on the claims of whose presentation your Lordship in Council has decided; where the claims have all happened prior to the accession of the Company to the government of the province of Bengal and Bahar, or even to the first acquisition of Benares by the British arms in the year 1766; so that, although the persons in question were not dispossessed, as your Lordship's statement seems to imply, in the lifetime of Suffer Jung (my father-in-law),

only specifying the ancestor of Gobind Jut to have then lost 23 FEB. 1792.
dary of Kimlet); yet the dates of the dispossession of all appear
rior to the most distant of the periods of limitation pointed
resolutions of the 11th ultimo, and thereby afford a sufficient
r these resolutions.

"Signed, at the end of the letter, JOHN DUNCAN, Resident."

a further extract from the same consultation, beginning at page
same book.

tion of Anrow Sing's report of the date of the dispossession of
of the former landholders of the district now comprising part of
indary of Benares :—

r Rustun Ali Khan was dispossessed from his farms of the
f Benares, Chunar, and Juanpore; and Bulwant Sing was ap-
y the Nabob Saadut Khan, the predecessor of Muzoor Khan,
large of the collections thereof, on the 21st of the month of
the 1151 of the Hejerah; that is 51 years and 7 months ago.
ja of Bidjei Gurr was forced to resign his ameldarry of the
urr district and to sell the fortress of that name for 70,000
ja Bulwant Sing in the Fusilee year 1160; that is 36 years.
el Sing is the present representative of this family.—Loll
jeet, the Raja of Pergunnah Hunlet (the ancestor of Govind
Raja Ram Gholaum) was displaced in 1161 Fusilee; that is 35
. At that time, Mahommad Khuli Khan and Roy Purtab Sing
Naibs of the Soubah of Allahabad and Oude. As there was a
ance of revenue due from the said Loll Buckermajeet to the
Kuli Khan as Naib of Allahabad, Bulwant Sing (who then
revenue to Roy Purtab Sing, who came to assist Kuli Khan in
dition of Buckermajeet) gave the banker Nundoo Loll Sahi
for 90,000 rs. for the liquidation of the latter balance, and
a possessed himself of Kunteel.—The Nabob Abul Mumoor
e father of Shajned Dowla, died in 1168 of the Hejera; that is
ago.—The Nabob Fuzul Ali Khan, of Ghazeepeer, was displaced
ceepore in 1169 Fusilee; that is 27 years ago. Beny Behadar
at time Naib of the Soubah of Oude, on the part of the Nabob
ria, and appointed Raja Bulwant Sing to Ghazypoor.—Baboo
ey Sing (the father of Raja Bhuggat Sing), then the zemindar of
n the Pergunnah of Chowsah, was displaced by force of arms
Bulwant Sing in 1170 Fussilee; that is 26 years ago.
wayl Sing, the zemindar of the Pergunnah of Betuah, was dis-
l by Bulwant Sing in the Fussilee year 1171; 25 years ago.'"]*

ems to me a little extraordinary that, in this charge,
s a charge for dispossessing the son, we find now that
le country was obtained by the dispossessions of the
that he dispossessed all the zamindars, himself, by
Mr. Hastings is accused of dispossessing the son of
a—upon a charge of treason and rebellion—of that
which the father obtained by dispossessing all the
persons, without any cause at all. I shall have

The zamindars of Benares dispossessed by Bulwant Sing.

hold it, and to pay the revenue. They are under my charge, and of his country I have no sort of master." And that is just the care a farthing who was his choose to take possession of the I served him;" and he did so in manner.

Character of
Bulwant
Sing.

The next point respecting his character; and your Lordships immaterial here, where we are whether the charge is correct of the persons; for your Lordships this Article depends upon the whether he was, as one represents to you, a faithful zamindar, or who never was attached at all withholding all his services, and action against you.

Assertion of
his attachment
to the
Company.

Now let us take, as a test depended upon as to his character—let us take the first attachment of Bulwant Sing." it is called, to the British nation eloquence—"he who fostered the nation, and took them under the his great attachment and love." I do not mean to dispute: they services. His motive is stated

beginning—if we would make him independent, he would come over to us and quit his master. As it was ought at that time to be a matter of great importance to each a considerable member of Suja-ud-Dowla's dominions, was a part of the contract made with him to make him dependent; and the reason given for it was this, say they, "His is a frontier country; if we make him independent, will at all times hereafter be a useful barrier and ally to it; it will control the power of the enemy and strengthen; therefore we will make him independent." And this proposal to make him independent is supposed by a learned honourable Manager to have made him independent; this, your Lordships will find, was nothing but a proposal. It was never carried into execution at all; for his fidelity and breach of all faith and all honour prevented its being carried into execution; and this is now stated as a proof of his being independent—because he was once proposed to be made independent, which proposal was never carried into execution at all! We were then marching on towards Suja-ud-Dowla's country. The moment we hung back and did not go on, the next account we have of Bulwant Sing's attachment to the British nation is—that he is gone! An officer writes upon the subject, that he is perfectly convinced that it was all a plan to draw us on. I will read the very words, that I may not be supposed to misrepresent the attachment of Bulwant Sing:—

Proposal to make him independent.

Insincerity of his alliance.

"With regard to Bulwant Sing"—says Major Carnac—"I am convinced has only been amusing us, [and that the proposed alliance was a concerted scheme to bring us further on; for, though I added my seal to the bargain, in a promise of the sovereignty of his zemindary, on condition of his joining with us, upon my requiring, in proof of his sincerity, that he would deliver to my custody the fort of Serounjah (which would have been in our rear had we proceeded further up the Ganges), and that he would give me a meeting, he evaded both, and never obstructed the way nor afforded us the least supply of grain, both which] he might easily have done." *

Letter of Major Carnac.

And, I find afterwards, in the Bengal Secret Consultations of the 26th of April, 1764, the following entry:—

"Received two letters from Major Carnac," &c., "advising us that he is now convinced from Bulwant Sing's behaviour, of which the Major gives an account, that his professed alliance with us was only a concerted scheme to draw us further on, and so favour Shuja Dowla's designs of fighting between our army and Patna." †

* Printed in the "Minutes of the Evidence," p. 1469.

† Ibid., p. 1468.

23 Feb. 1762.

Bulwant
Sing op-
posed to the
Company in
the battle of
Buxar.

His subse-
quent offer
to hold
under the
Company.

Contract
with him.

Displeasure
of the
Governor
and Council
with the
contract.

That is the first commencement of the attachment of the man to the British nation. It is a violent attachment to his own interest and independency! The moment we retreat his attachment grows cold, and away he goes, leaving us to take care of ourselves. There is an end of that contract which was proposed and relied upon as making Bulwant Sing independent, but which never was carried into execution. We hear no more of him till after the battle of Buxar, on the 23d of October, 1764. That has a wonderful effect upon Bulwant Sing's attachment, because the British troops were successful in that battle. They routed Suja-ud-Dowla's troops completely, and we got possession of the very country of Guzerat; and Bulwant Sing was serving with his army in the battle of Buxar against us. Though his proposal to assist us was in March, 1764, on the 23d of October following, he was acting as a powerful enemy against us, under his sovereign; assisting Suja-ud-Dowla with a body of ten thousand horse, as he was bound to do by the obligation of his tenure.

Mr. Stables mentions that he was about to cross over into our country and to invade it, when the battle of Buxar defeated that plan. We having got possession of his country, having defeated Suja-ud-Dowla, then comes this well-attached man. What is the proof he gives of his attachment? Why, he says—"If you choose to take possession of Suja-ud-Dowla's country, then I will hold of you as I held it of him;"—and he mentions, or his agent for him, that the country produces twenty-four laes—"I pay him twenty-one as my rent." "The Raja"—says his agent—"is a very punctual paymaster; he is a man who keeps steady to his engagements; he pays his rents regularly to the day. Take heed, he is a good paymaster. You will never have a better master than he is." Upon which, at the intercession of the Nawab, who was then with us, and who wanted to be paid out of these revenues, and because it was thought that Bulwant Sing, who had maintained himself in great power, was a good man, the persons on the spot actually entered into contract with him, and let him the land upon the same terms as he held them upon before.

But I find, with respect to this attached gentleman, in the letter from the Governor and Council to Major Munro upon that subject, when they heard of it, that they were not pleased with that contract being made with him; because they did not feel the warmth of this gentleman's attachment.

strongly as the Article docs. They say—"The double 23 Feb. 1792.
 t that he acted in the beginning of the war sufficiently
 ns us to put no confidence in him; and, therefore, if he
 not already been permitted to join, or if you have not
 ered into any engagements with him, we would have him
 possessed of the country, and his person, if possible,
 aured." They have, therefore, a cold sense of his attach-
 nt; they have a strong opinion, on the contrary, that he
 s a man who acted so double a part at the beginning of
 s war that they could put no confidence in him, and
 ey were desirous to have him dispossessed of his property,
 d his person, if possible, secured. This is the person
 hose attachment to the British nation is set forth in the
 ginning of the Article, to conciliate the favour of the
 ritish nation to him! When the Governor and Council
 e informed of the agreement that had been made with him,
 ey say—"We are sorry you have agreed with him before
 e knew of it; but, as you have, we will adhere to the
 agement you made with him." He is permitted to enjoy
 he country.

One proof of his attachment I had forgot: he says—"I
 ill take the country from you, but there is a little adjoining
 nd I should be glad to have thrown in too." He would
 o us the great favour of taking the country upon the same
 rms; but he hoped we would add to it a little more, and
 e would pay rent for it as he did for the rest. His attach-
 ent lasted but a short time, for, upon Major Munro's con-
 nuing stationary in the month of December subsequent to
 is, and upon Suja-ud-Dowla's moving and, I believe, in-
 eting Chunar—however, upon his being active—the next
 count we have is, Bulwant Sing is eloped; he is gone
 F again; he has a violent attachment to you, but, when
 ere is a chance of matters coming round again, the next
 count is, he has eloped. This is the man that is attached
 much to the British nation!

Second de-
 scription of
 the Company
 by Bulwant
 Sing.

Major Munro was succeeded by Sir Robert Fletcher; and
 ir Robert Fletcher, in a letter which he writes in January,
 1765, when he takes the command of the army, says—"I
 now what will bring back Bulwant Sing; a general engage-
 ent is the thing that works upon his attachment." Upon
 hich, Sir Robert Fletcher immediately moves; he becomes
 stive; he pursues Suja-ud-Dowla and brings him out to
 tack him; there is a chance of success and Bulwant Sing's
 tachment returns! He comes back again and says, he hopes

Renewed
 submission.

25 FEB 1792. we will give him the country again. Upon which after this had happened, we still persevere in the aim of benevolent and kind conduct towards him, and we put again in possession of the country. The Board say, they heard of that, after the part he had acted, that are much displeased with it; and they write respecting attached man in these terms:—

Reflections
of the Com-
mittee.

"This man acted from the first so wavering a part that we rely in our instructions to Major Munro after the battle of Basar, to have no connection with him; but rather that his person should be secured and some other person placed in his stead who was to be relied on. However, the Major had, previous to the receipt of these instructions, admitted him to a treaty, and on the faith he consented to abide by it. In this also he failed; and, therefore, it was our intention to trust him no further; which sentiment is also expressed in the General's letter of the 15th of January from Cossimbazur, where he points him out as one by no means to be depended on; that is sufficient to inspire us with the strongest doubts of his fidelity, and to see but too much cause to apprehend, if Shuja Dowla should move this way with any considerable force, or our army at any time receive a check, that he will be the first to break his engagements in favour of the enemy; and, as his situation will always place him between our provinces and our army, he may be able to do us much mischief, and to keep up a faction; that after Bulwant Sing, in violation of his treaty, had deserted our army, it was, as before observed, our wish that the country had been placed in the hands of some person whose fidelity we might at least have had some dependence on, and whose attachment might have been an addition to our own strength, in case of a renewal of the war; but, as it appears that Bulwant Sing has again broken back on the faith of promises made by them, that we shall allow them, though we wish none had been made till our sentiments had been known: that we can now only recommend that a strict eye be kept upon his conduct and correspondence, and that he be not allowed to maintain such a body of forces as may on any occasion be detrimental to us." *

[*Interruption by Earl Stanhope.*—"What is the date of that?"

Mr. Plumer replies.—It is the consultation on the 17th of April, 1765. They are all collected together in the report of the Select Committee of the House of Commons.

Now, my Lords, I should not have thought, after looking at these documents, that Bulwant Sing's attachment to the British nation, would have been stated at this very time, for this is the very time they are speaking of, that he was attached to the British nation in the commencement of his power.

I beg your Lordships will observe how very differently 23 FEB. 1792.
 the motive of a native of India is interpreted from the mo- Contrast of interpretation given to Bulwant Sing's motive and Mr. Hastings'.
 tive of Mr. Hastings. Here the conduct of this man is such
 that nobody can read it, who has not a strong disposition to
 believe every thing in favour of him, without seeing mani-
 festly that the motive of his conduct was interest, a desire
 of independence, and no attachment at all, but the very
 reverse. This man's services are attributed to attachment,
 but, with respect to Mr. Hastings' motive, when there is an
 obvious motive—a clear sense of duty operating upon his
 conduct—then we are to hunt out for motives the most im-
 probable and unnatural—to collect malice; and all the evil
 imaginations that can infect and poison the human heart are
 to be imputed to him. This is the different manner in
 which we look at an Indian and a British subject in India.
 One man has credit for attachment, without a grain of it;
 and another has not credit for all the great public services
 and all the acts of duty that he does; but they are attri-
 buted to malice and to a desire to ruin a man, when it is
 obvious that he was actuated by a different motive!

If you interpret this to be attachment, I do not much Character of Cheyt Sing's attachment.
 wonder how you should conceive the son to be attached;
 because I believe the son to be just as much attached as
 the father. He is attached as long as he can get anything
 by you, and, the moment that his interest or the desire of
 independence presented itself in his way, he, like the father,
 held back, acting a wavering and a double part; he stood
 by you no longer than he feared you, and, the moment there
 was an opportunity given, he revolted from you, and endan-
 gered all the British empire in India.

I, therefore, hope that, upon this subject, where we are
 upon a point of opinion, it has not been quite unnecessary to
 show the erroneous opinions at the outset with respect to
 Cheyt Sing's being a zamindar, which is matter of opinion,
 and with respect to his motive in the point of attach-
 ment. I shall only observe that this is concluded by a a Asserted admission of the Directors of his services.
 reference to the opinion of the court of Directors. It is
 stated, that he was, in the opinion of the court, of signal
 service to the affairs of the India Company. I admit that
 the court of Directors have said—"that his joining us at
 the time he did was of signal service." You have left out
 the words "joining us at the time he did," and put it as a
 general proposition, that he was of signal service. His

of Directors as to the past and relied upon, when I you [show] what his sort the court of Directors as rious, services of Mr. Ha whole life of service, wh rience of all his conduct. scale; which, I admit, in of Mr. Hastings, it ought opinion, when they say a taken up as an object of the opinion of the same b unqualified terms, with th the Proprietors and all th faithful and meritorious, s rejected and has no weight

Effect of the
treaty with
Sujah-ul-
Daula.

The treaty was made, as the sovereignty of the country the treaty was—as given in the prosecution—to put the country; to restore him again reinstated in the situation country was restored to Sujah we were interfering in behalf assistance in the course of in favour of Bulwant Sing, the possession of his country restored to the possession of Sujah speaks of the country now

But is, we force the sovereign of the country to replace 23 FEB. 1792
 Bulwant Sing in the possession of his country, notwithstanding the treason and rebellion which he has been guilty of against him. Pretty hard terms to impose upon Suja-ud-Dowla! This man first came and served him as a tributary and afterwards turned against him, but, he having come over to us and Suja-ud-Dowla having fled into our camp and delivered himself to us, we insisted upon his putting this man in possession of his country and continuing to receive his rent as before.

The effect of that treaty then was, to leave him as he was before. What was Bulwant Sing then before? I have shown your Lordships what he was; but I will admit, for the purpose of the argument, that Bulwant Sing was a nominal zamindar and had the power and authority of a zamindar; then do not contend for more than that. It is in evidence, in the first place, that he paid a rent to Suja-ud-Dowla, by his own declaration, of twenty-one lacs, a year, for his country—the very same rent which Cheyt Sing afterwards paid, only increased, to twenty-three—and he at the same time is found *de facto* to be performing his other duty; he is in the field in arms assisting Suja-ud-Dowla as his vassal with ten thousand cavalry. We see here what were the rights of the father, the person whom they refer to as the criterion and the standard of all the son's rights. Here are both the obligations proved, consisting, in the father, of the payment of a rent and the performance of his duty as a vassal, by serving with his troops in the army of his sovereign Suja-ud-Dowla.

Position of
 Bulwant
 Sing.

I recollect that there is a particular account—I cannot refer to the passage now, but I remember a gentleman who was examined in another place upon this subject, who was personally acquainted with Bulwant Sing, was asked, whether the zamindars of Oude furnished military assistance to their sovereign, and he, in answer to that, singles out as a man of all others that did so—Bulwant Sing! Says he,—“Bulwant Sing kept up an army, and Bulwant Sing always furnished troops to his sovereign;” so that, even at the time when the other zamindars did not, he paid his rent and furnished troops to Suja-ud-Dowla, his sovereign. It appears by Mr. Stables' evidence, which is before your Lordships, that he did; and, I think, Mr. Stables has proved likewise that a vassal is bound to do it, though Mr. Stables had an idea that

Military service rendered by
 Bulwant
 Sing.

—but he was aiming at independence. Was he independent? No; —but he was aiming at independence. Your Lordships will find, throughout all the Articles, it is stated that the rights of Bulwant Sing are the rights of Cheyt Sing. Here I have it established that, at most, Bulwant Sing was only a zamindar; and that he performed both the duties of the payment of a rent and the performance of military service.

Motives for
upholding
Bulwant
Sing.

The next period referred to is the year 1770. Bulwant Sing, from the year 1765 to the year 1770, remained in possession—and I would just beg leave to observe that there is a great mistake, as it seems to me, in considering the policy of our country with respect to this subject. Your Lordships will find that it was a considerable object—inasmuch as it was a frontier country—to establish an interest there; to protect him against Suja-ud-Dowla, his sovereign; to prevent his sovereign ever turning him out of the country; to keep him in possession of that power and authority, and that rent, that he had been established in by the treaty of Allahabad, in the year 1765; and they say that it was not from any idea of his love or attachment to us, but because he knows that he will be turned out the moment we withdraw our protection from him; Suja-ud-Dowla has no regard for him or his son; and it is our interest that he should stay in, because he is in possession of that country—he can be a check upon Suja-ud-Dowla, and can assist us, in a place circumstanced as his country is, as a frontier country.

Interference
of the
Company to
secure
Benares to
Cheyt Sing,
at the death
of his
father.

The next period is the year 1770. All that was done then was a kind, a politic and a wise, interposition to procure, upon the death of Bulwant Sing, the same situation for his son Cheyt Sing. It appears that that was done, not without considerable difficulty; for Suja-ud-Dowla had determined—as Mr. Harper, I think, writes—not to permit the son to have possessions of the country. He did not like the family. I do not wonder at it. He had determined at least not to suffer him to have the same power, because keeping up troops and forts in that situation was too much power given to a subject—and particularly to such a subject—because it might be abused; he had determined to lessen that power, and he went to Benares upon the subject. It appears that the East India Company interfered on the part of Cheyt Sing.

Cheyt Sing
illegitimate.

Now who was this Cheyt Sing who was raised up to such an eminence? In the first place, he was an illegitimate son

of course, he had no right of succession at all, if his
 father had any authority. But, in truth, his father had
 ; and he was jealous and apprehensive lest his son
 should have an idea that he had a right. It is stated to be a
 of great delicacy to procure the appointment of Cheyt
 , and it is, after all, made as a matter of contract,
 made for Cheyt Sing by the payment of a sum of money.
 Ten seventeen lacs are paid down to purchase it, and an
 increase of the rent of two lacs and a half, swelling it up
 to twenty-one to about twenty-three; and it was at our
 request and recommendation that the country was
 for him, which otherwise he would never have had.
 Cheyt Sing was a Brahman of an inferior caste; he was the
 of a Rajaput woman—that is, a person that was a
 live in war—and she sustained a character upon which
 have heard many observations. She was trained up a
 fighting girl, I believe, but she was afterwards received by
 Cheyt Sing, and the consequence was the birth of Cheyt
 Sing. But, inasmuch as he was ignoble in his birth on the
 of his mother, none of the persons of the high caste of
 Brahmans would ever eat with him; and he did actually
 reason some of them as a punishment, because they would
 condescend to eat with him, inasmuch as he was a man
 of an inferior caste. But, notwithstanding that, we procured
 him: he was the only male of the family. Bulwant
 Sing had a daughter, who was married to Durbejey Sing,
 whose son is the present Raja; so that he had a grandson,
 a legitimate descendant through his daughter—the present
 Raja; but, as this illegitimate person was a son and a fa-
 vorite of his father—he was, I believe, grown up at that
 time—and it being a great object with the Company to
 have somebody there that might lean upon them entirely,
 he was held by his interest steady to us—on that account
 we interfered to get it for Cheyt Sing at that time. The
 Brahmans were offended at it, and they said—“The right of
 inheritance is not in this man, but it ought to be, if there is
 right at all, in the other;” and they contended for the
 son who was a regular Brahman and legitimate. But the
 Company then say—“That is all the partiality of the Brah-
 mans for their own sect, but this is the proper man; we will
 support him.” And they did support him and got the
 country for him.
 It appears clearly, therefore, that Cheyt Sing entirely
 owes his situation to us. He never would have had it but

23 FEB. 1792.

His succe-
sion secured
with diffi-
culty.Cheyt Sing
preferred to
the legiti-
mate
descendant
of Bulwant
Sing.Dissatisfac-
tion of the
Brahmans.Cheyt Sing's
obligation
to the
Company.

23 FEB. 1792. for the interposition of the English; he got it without antecedent right; he got it by our interposition, by the payment of a sum of money. So much with respect to the year 1770.

Intention of
Suja-ud-
Dowla to
dispossess
him of the
forts.

Interven-
tion of Mr.
Hastings.

Cheytt Sing
constituted
a *ramindar*.

Fixity of
rent.

Cheytt Sing
not ex-
empted from
duty as a
subject.

All that I find done in the year 1773, which is the period referred to, was the authority to Mr. Hastings to go up into the country and renew the *sannads* on behalf of Cheytt Sing; for, it appeared that, notwithstanding Suja-ud-Dowla had put Cheytt Sing in possession of the country, yet he was so adverse to him and conceived what he had done in 1770 as of so little validity that, notwithstanding the contract made with him, he had determined to dispossess him of the forts—as appears by the report made by Mr. Hastings on that occasion—and to exact a sum of ten lacs *muft* from him. Upon which, Mr. Hastings, with that kindness that has always shown to this family, went up there and interposed in his behalf. He desired Suja-ud-Dowla not, in defiance of his contract, to dispossess him of the country without a cause at all. And one of the declarations made by Mr. Hastings is laid hold of—as if that had anything to do with the case—of Mr. Hastings stating to Suja-ud-Dowla that the contract he had made with Cheytt Sing was obligatory, which fixed the rent and fixed him in the possession of the country. Accordingly, Suja-ud-Dowla came from that purpose, and a contract was then made—a treaty, but there was a *kaul-nama* made out by Suja-ud-Dowla to Cheytt Sing, making him a regular *ramindar*—is, I believe, to him and his heirs, and fixing his rent; became then for the first time fixed. And your Lordship will find, that is a most material point in the case, that that *kaul-nama*, which is in evidence before your Lordship, the same thing was done then which was, in 1773, done afterwards by us—namely, to fix the rent and to make it invariable. There it is expressly said to be exclusive of *zama*. “This rent,” says he, “shall never be increased.” The rent, which had been variable after his father’s death upon the son’s succession was not to vary any more. The annual rent that he paid for his land was to be fixed and permanent; he was to hold it, paying that rent and paying no more.

That was the contract made with him. But did it, by contract, by fixing his rent, absolve him from the obligation that his father was under before him and that he continues under? Is there the least word or hint of it—that, being

rent, you shall be absolved from your duty? Not ^{23 FEB. 1792.}

idea of it: and yet, according to the present argument just as much be said that Cheyt Sing, in 1773,

rent was fixed, was absolved from obligation to any military duty! Mr. Hastings' declaration then ^{Mr. Hastings' declaration.} declaration in 1775 was this, and is a clear and a

declaration—that, consistently with his contract, you ^{rise} his rent. The rent is fixed and the time of

is fixed, month by month; and it was just as breach of contract for the sovereign to break

as a common landlord to break the contract with it in this country. You cannot demand the rent

is due, nor more rent than you have agreed to let country for. Mr. Hastings said—"You are bound

in the country at such a rent; you cannot raise it have fixed it." And that was all the declaration

things ever made upon the subject.

declaration of Mr. Hastings in the year 1773 is and your Lordships will find it to be the subject of

upon in a speech made by Mr. Bristow at Suja-ud-court, in the year 1775; and there is given *verbatim*

what that he made upon the occasion. Why, my Mr. Bristow, when he was sent up, in the year 1775,

re Benares, antecedently to it being actually transacted, seems to have acted the part of a good negotiator,

was to lessen the value of the thing he was to so he swaggers and talks high to Asoff-ud-Dowla.

You have little authority over this man; his country ^{Pretence that Cheyt Sing was on a different footing from other zamindars.} great distance from you; he is a zamindar protected and not to be put upon a footing with your others." No; he was not upon a footing with the others, because his rent was fixed, because he was

proprietor. When Asoff-ud-Dowla wanted to take the advance, the Board sent up and directed Mr.

to interfere and tell him he could not do that. it is the declaration that is quoted as having an

reference to this subject;—that, because he told him— not to take his rents in advance—you cannot take

before they are due"—therefore you have no right to demand of him for military services!

Mr. Bristow says—"There were a good many people with Asoff-ud-Dowla, then, talking with him upon

the subject: I thought it might be as well to make a statement to him." He begins and says,—“Cheyt Sing is a

landlord.

Transla-
tion of
Hindustani
into
English.

would have been, to be pu

We come next to the period, the year 1775, at transferred to us. And, I would, in the first place Asoff-ad-Dowla, before he had engaged in war and assistance, upon what pret consistently with any of th to that time? If we ha would have said—"these have nothing to do with hi and his father performed th to your own account, as it this Article, upon the san Sing, excepting only the mentioned—admitting that the tenure of this man bu tribute. It appears like after the transfer had bee tinued to hold upon the excepting the increase of r your Lordships what were what were the rights of t continued the subject of S this point:—if he was mu he must have been exempt

Contract of
1775.

Now, I do beg your l extraordinary account that year 1775—the most im

in a future negotiation. Anybody, in reading ^{25 Feb. 1792.} would have concluded that this proposition was afterwards carried into execution; and yet your Lordships find it never was carried into execution! It is a plan intended, but afterwards dropped. And here they inserted in this Article a proposition in Council of a peace intended to be, and they have, at the end, stated that Hastings was bound to observe all these treaties, covenants and engagements, stating this as one of them! It is only true that, at one time, Mr. Hastings intended in order to mitigate and to lessen the ignominy and that he thought would fall upon the British nation on account of a scandalous breach of all treaties—the determination by which all expired upon the death of Suja-ud-Dowla—in order to mitigate the disgrace that would fall upon the British nation that, Mr. Hastings said—"I propose, if anything is done about Benares, that Cheyt Sing be made independent. Let him pay his tribute to us the same as to his sovereign, and, in all other respects, be made independent." But Mr. Hastings further says—"I propose this with reluctance, because it is only in consequence of the treaty that you have made in the morning, that all the treaties expire. I am very unwilling to do it; but, upon consideration of what you have done, I propose this."

His Lordships only advert to dates. This proposition is in the treaty of 1775; the treaty with Asoff-ud-Dowla was made on the 21st of May, 1775; and this proposition which Mr. Brisot presented up to negotiate was afterwards dropped. And they only beg your Lordships to observe what is the substance given in evidence by themselves upon this subject—that in this Article—[the terms] of an intended negotiation with the Wazir. Here is the treaty, and it is impossible to state it in more clear and distinct terms to convey the substance absolutely to the Company.

Not carried into execution.

The fifth Article of the treaty made with Asoff-ud-Dowla on the 21st of May, 1775, is,—

Terms of the treaty with Asoff-ud-Dowla.

That the Nabob [for the defence of the country, as before specified, and that he has given up, of his own free will and accord, unto the English Company, all the districts dependent on Rajah Cheit Sing, together with the land and water dues] and the sovereignty of the districts in perpetuity. That the English Company shall, after one year and a half from the date of this treaty, take upon them the management and possession of the districts under Rajah Cheit Sing, as is specified."*

* Printed in the "Minutes of the Evidence," p. 51.

Sovereignty
reserved in
the Com-
pany.

Micro-
representations
in the Article
of charge.

a proposition intended to
treaty? And these words are
in the manner that I will
Lordships will see that, in
whole point is—sovereignty;
sovereignty; they who care
are to avoid sovereignty.

See how this Article is

“That an assignment was of the
Company of the tribute payable
superiority which the said Vizier
transferred.”

“The rights of superior
tribute!”—Where did the
ment of the rights of superior
if this had been written by
that hateful word, sovereignty,
phrasis—some other word
upon the word sovereignty
and the rights of superiority
that is death to the argument
thing: there are no such
of tribute”—“an assignment
is a most ingenious periphrasis
the word to run away from
this had been drawn up—
might be thought disrespectful
democratical that he would
appearance of sovereignty

composition as that is. This paragraph is composed of ^{23 FEB. 1792.} ~~its~~ picked out from a great number of different sentences, and the remainder of the sentences are left behind, contain a directly contrary meaning. I will entreat Lordships to compare paragraph the eleventh with the ~~sents~~ that are quoted, and you will see, when the whole is together, that the direct contrary of the inference ~~red~~ by this paragraph will be the result of the exami-

or the Company had acquired the sovereignty—which ^{Contract of the Company with Cheyt Sing, in 1775.} ~~led~~, your Lordships see, upon the 21st of May, 1775, ~~reaty~~ that was afterwards confirmed, in June, 1775, I ~~the~~ first object was to make a new contract with ~~Sing~~; and, my Lords, it is very material to attend to ~~manner~~ in which that was done. On the 12th of June, ~~five~~ propositions were brought forward by Mr. Hastings. Next, the actual contract is made in consequence of which was reduced into regular conveyances, sanads, ~~yats~~; of which there were three sets at different periods, ~~sequence~~ of objections that were made by the Raja to ~~alar~~ expressions in them, and they were not finally ~~ted~~ till the 5th of April, 1776. These are two documents—the propositions that preceded and the contract that ~~ed~~. And, lastly, the instructions to Mr. Fowke, which ~~upon~~ the 16th of August, 1775, I think, and a letter ~~Hastings~~ to Cheyt Sing.

propositions will be found in page 53 of the printed ~~ce~~; the resolutions of the Council upon it are in ~~5~~, and were upon the 5th of July, 1775. The ~~sub-~~ instructions to Mr. Fowke are in page 57, and ~~ter~~ of Mr. Hastings in page 59. All these and the ~~sts~~ afterwards were produced at your Lordships' ~~re~~; for the contracts were not produced till your ~~lips~~ were so good as to call for them, and they are in ~~O~~.

IN DEFENCE
THE CHARGE,
JANUARY, 1792.

19 FEB 1792

My LORDS, it is in
the deep sense I enter
scussion, in the high ho
do me in the attention
discharge the arduous at
upon me. Flattered by
presume to consider myse
manner to examine the
imputations have been c
which he has so long and
feel, so undeservedly labo
been occupied in long a
matters that are not in cha
will not refuse, to a plain
in charge, that portion of
subject—which the length
be discussed—render unavoi

Article
grounded on
question of
right.

My Lords, the question of
to discuss when I had last
Lordships, seems to me to
Article materially depends; w
found not to be matter of m
should be ashamed to have rec
this—in discussing accurately
proposition maintained
founded

o the year 1775, and had endeavoured to establish, 29 FEB. 1792.
 t that period of time, Cheyt Sing was neither inde- Cheyt Sing
 it nor exempt from the duty that he owed to his not exempt
 gn, to afford military assistance. I endeavoured to from mili-
 t by showing the rights that were enjoyed and the tary service.
 that were paid by this family at different periods of
 and, by the admission of the prosecutor himself, that
 year 1770, in the year 1773, and in the year 1775,
 the new contract made with Cheyt Sing, no other
 ion had been made in the tenure and condition of this
 ar than merely in the variation of his rent. I pre-
 herefore, to consider that, at this period of time, Cheyt
 as, though a powerful, though an opulent and pro-
 zamindar, yet that he was no more than a zamindar : Subject po-
 presume, therefore, to consider that, inasmuch as a sition of a
 ar is not a prince but a subject, a landholder, that, zamindar.
 period of time, he was neither a prince nor in-
 ent. If he was a prince the whole country is filled
 nces, because all the land is in the holding of zamin-
 and, whether it be a great zamindar or a little
 ar, he is still no more than a zamindar.
 Lords, whatever rights, therefore, he had, *ultra* and
 what belonged to all zamindars, must be matter of
 grant. I have endeavoured to show that all the A fixed rent
 ent contracts made with him amounted simply to conceded to
 make the rent for his zamindari fixed; that no Cheyt Sing.
 e ever was given, on the part of his sovereign, on
 of the British nation—no declaration, in any debate,
 letter, in any one part of the whole history of this
 ent—from Mr. Hastings, which ever intimated more
 at the rent of his zamindari, which in general is
 , in this instance should not be so, but that the rent
 e fixed, the times of payment fixed. And in that
 erefore, no interference could be made on the sub-
 her by demanding more or demanding it before it
 e, without a violation of the contract. But I pre-
 consider his duty as a landholder as perfectly
 from the duty that he owes in the character of a sub-
 t will be found that, in the year 1775, Cheyt Sing's Sovereign
 gn did, in fact, exercise several other rights that inter- rights exer-
 with the internal government of his country; and your cised over
 lips will find it not immaterial presently to advert to Cheyt Sing
 int—that, over and above the payment of his annual by the
 is or rent, the sovereign did, in fact, enjoy several Wasir.

The
sovereignty
conveyed to
the Com-
pany.

No part of
its rights re-
nounced by
the Com-
pany.

those respects, he annuall
of the country. And it h
find, frequent matter of u
of Cheyt Sing, to remove
subjects of his zamindary,
persuaded to do this; and C
reason of the Nawab probab
in the country—not becaus
it, for the rent was very s
general obligation upon hi
situation when a new contr
quent to the transfer of th
have established that the so
to us, and that, consequent
former sovereign; that what
had we had also; that we ha
we had a right to this rent ar
our subject—of assistance in

The question then is, v
which was made with him, t
or any of them, and which o
given up. Whether he was
was not before, or exempted
revenue that he paid before, t
to his former sovereign. Up
will be admitted that, if I hav
his situation before was, then
pressly renounced; and I o
recollect this, that silence upo
tion of prior acknowledged

' this contract was there anything done to renounce it. 29 FEB. 1793.
would be quite enough for me to insist upon. We
d for the continuance of these obligations.

Lords, I shall go further and show a clear, an unequivocal
an express reservation of them! It is not necessary
to do that, but I will point it out. In the new con- Express re-
servation to
the Company
of rights of
sovereignty.

hat was made there appeared clearly to be two dis-
jects; the one respecting his internal government—
on that subject it undoubtedly was the object of Mr.
gs, who had been, as your Lordships will find, the
at friend of this family—it had been the wish of Mr.
gs, originally, before the country was acquired, to
him wholly independent. He failed in that: the Object of
Mr. Hastings
to increase
Cheyt Sing's
authority;
ignty was given to us. After that object had failed,
xt object that he had in view was, consistently with
ereignty of the country, to give him a very considera-
ree of power and authority in the internal govern-
of his country; to exonerate him from those little
some interferences by his former sovereign in little
s of no great amount; to invest him with high and
id privileges, which had never been enjoyed by him
namely, the kotwali and the mint—that is, the
stration of justice, and the right to coin money within
indary; and, with that object before him, he desires
nerate him entirely from every interference in the
l government of his country, in the collection of the
es, and in the administration of justice in it; to deliver
zamindary to his entire care and trust, with a fixed
nd with the entire management of it internally. That
he great object of the new contract proposed by
astings.

there was also another object, just as broadly mani- but to
maintain
sovereign
power over
him.
throughout the whole of it, and as visible to anybody
ads the whole, namely, that, consistently with that,
ould retain the sovereignty over him; that is ex-
l in the most positive terms; and, to prevent any idea
from this enlargement of his internal authority
his zamindary, in the mind of an aspiring zamindar—
vent any idea in the country, or in any body that
look at his situation, that he ceased to be a subject
zamindar—that, with all the accumulation of power
thority given him, yet that great obligation of the
which remained before was to continue the same,
at he was completely and distinctly to understand that

20 FEB. 1782. We were the sovereigns, and invested with all the rights of sovereigns, over his zamindary. I think, when these great objects are attended to, and when all the documents that form the contracts are read, your Lordships will be no difficulty at all in forming a clear explanation of every word that is used, either by Mr. Hastings, or on the part of any of the Council, on the subject, throughout the whole of this discussion.

The subject
considered
at several
meetings.
Settlement
of the
revenue.

The subject was under consideration at several different meetings. Upon the 12th of June, 1775, the plan was proposed—the settlement for the ordinary revenue; that, as I conceive it will distinctly appear when all the propositions are looked at, that which related to his internal government, and to the ordinary revenue of the peace establishment. That was contained in five distinct propositions from Mr. Hastings as the plan of settlement. It is in page 54 of the printed Evidence. These propositions were taken into consideration on the 5th of July following. The considerations are in page 55. Some parts of them were reconsidered upon the 16th of August ensuing. That is given in evidence. They also came before the Board upon the 24th of August, when instructions were given to Mr. Fowke, who was sent up as the first Resident to that place, for the purpose of ascertaining the value of certain duties on many of the articles I have stated, in order that they might be appreciated, and a sum fixed which he was to annually to pay for them. The instructions your Lordships will find in page 57. Mr. Hastings' letter to Chetty Sing, in the printed Evidence, page 59.

The sanads,
or instru-
ments of
investiture.

The subject came again under consideration, in part, upon the 13th of December, 1775; and it appears also to be again agitated upon the 15th of April, 1776, which is in the printed Evidence, page 70, and upon the 29th of July, 1776, which is in the printed Evidence, page 72. It commenced, therefore, upon the 12th of June, 1775, and was, in different shape and upon different occasions, the subject of deliberation for more than a twelvemonth. The cause of that was, in part, a desire to fix these little articles of revenue and to reduce them to a stipulated sum, and also a circumstance that happened with respect to the sanads, that is, the instruments of investiture. A part of them were carried up by Mr. Fowke when he went up in August, 1775. The subject of the regrant of the kotwali and of the mint had not been then settled, and, therefore, it created a necessity for postponing

those sanads. Upon the 15th of April, 1776, they were all of them sent up; but the Raja, Cheyt Sing, objected to particular expressions in them;—and it is not immaterial to observe he objected to the word *mulchulsy*, I think; he objected to the clause that was to make former sanads void; he objected to a word expressing the plural instead of the singular. There were a number of comments upon them; in consequence of that a fresh set of instruments was sent up in July, 1776. The final contract, therefore, with him is contained in these sanads. And, my Lords, any sort of difficulty in discovering what ultimately were the sanads is removed by an observation which was made by an honourable and learned Manager on this subject, in conducting the evidence, who stated very candidly and very properly—what nobody could, indeed, entertain any doubt about—that there is no difficulty in ascertaining the sanads, for though the sanads sent up in July, 1776, do not appear upon the record, yet, comparing the sanads of that day with these voted in 1776, there is no difficulty in knowing what the actual sanads were. Here, then, we have a great deal of premises before the contract; but we have also the instructions given to Mr. Fowke to communicate to the Raja, at the time he communicated to him the contract; and we have a letter of Raja Cheyt Sing's.

I proceed now to consider in what way this contract is represented in the Article. Your Lordships will recollect that this is the subject of the 11th, 12th and 13th, paragraphs in the Article. The first observation that I have to make upon this is, that all the remaining part of this Article, which represents the nature of the last contract—the most important contract of all—all the words that are represented as constituting this contract, are to be found in the propositions of the 12th of June, 1775, and nowhere else. Those words, upon which the whole argument is rested, upon which all is built, are in the proposition of an intended plan of settlement of the 12th of June, 1775, but are not to be found in the subsequent consultations, and are not, one single syllable of them, in the contract itself; so that, in order to ascertain what is the contract made with this person, we are to look at something that was intended to be the contract at one time, and not to look at what was at last the contract. Now, it should seem to me rather material, when we are to rely upon the expression that “no more demands should be made

20 FEB. 1792.

Manner of representing the contract in the Article.

Difference between the propositions of the 12th June and the contract.

25 FEB. 1792. upon him of any kind," and so on—I should think it rather material to quote the words made use of in the contract itself, not what passed at any time antecedent to the contract, much less what fell from one of the parties to that contract, much less what was never communicated to the other party—what was the idea at one time of one person or of one party to the contract, and not what was the final contract made with this man or the assurances ultimately made to him. I should rather think that that is the way of attaining the plain sense and meaning of the contract.

Partial character of the extracts from the propositions given in the Article.

In the next place, let us see what are those extracts from these propositions—for they are only extracts. Certain words and expressions scattered in different parts of these propositions are picked out; and it is a very remarkable circumstance that it should so happen that all the expressions that are picked out are such as tend to raise the idea of this man's independence and importance, and all the expressions that qualify and explain those words and that show them not to have the sense of giving him independence should all be left behind! That is a singular circumstance, that none should be thought material to be extracted though they are in the very same sentence of the same documents! All those words that qualify it and that remove any possible doubt are left behind and not quoted at all!

Your Lordships observe that the great argument is upon independence. The first part of the Article states—

Extract from the Article.

"That the said Warren Hastings did lay before the Council several propositions, for the purpose of carrying into effect the intentions of the Board to render the said Rajah more independent, to prevent him from being reduced to what he, the said Warren Hastings, calls the mean and depraved state of a mere zemindar, and to raise him to a situation of power and dignity unknown to any of his ancestors; that in order to carry the said intention into execution the said Warren Hastings did *inter alia* specially propose and, with the approbation of his Council, did actually convey to Cheit Sing the actual power of executing criminal justice, and of coining money within his dominions."

Now I beg your Lordships to attend to the words that follow—

"which powers in that country have always been considered as marks of sovereignty; and did further propose, that, whilst the Rajah should continue faithful to his engagements and punctual in his payments and should pay due obedience to the British Government, no more demands should be made upon him by the East India Company of any kind, nor, on any pretence whatsoever, should any person be allowed to interfere with his authority or disturb the peace of his country."

Then it states that the proposition was directed to be ^{29 FEB. 1792.} communicated by Mr. Fowke; and then it goes on with a large quotation of the comment made by Mr. Hastings upon one of the propositions that he made—

“ Which voluntary restraint was proposed by the said Warren Hastings and laid by the Government upon its own actions, in order, among other purposes, to inspire the Rajah with the greatest confidence, without which he, the said Rajah, would expect from every change of Government additional demands to be made upon him, and would, of course, ascend to all the arts of intrigue and concealment practised by other independent Rajahs, and because by proper encouragement he would prove a powerful ally and be a useful barrier to the East India Company; but that he would be neither the one nor the other if the conditions of his connection with the Company were left open to future variations.”

It then goes on, in the next part of it, to quote the proposition that respected the cavalry, which is made the ground for a material allegation against Mr. Hastings, in the course of this business—

“ That he did propose to his Council that Rajah Cheit Sing should engage to maintain in constant pay a body of two thousand cavalry, for which the Company were to pay after the rate of fifteen rupees, per month, for each private man, and, in proportion, for the officers, so long as they should continue in the service of the Company; that the said Warren Hastings then declared it was far from his intention to propose that or any other article to be imposed upon the said Rajah by compulsion, and the Board did finally resolve only to recommend it.”

And then it concludes with this general proposition, as a corollary from the whole—

“ That, by these and various other acts, agreements, treaties or stipulations, the said Rajah Cheit Sing was, under the authority of the East India Company, fully confirmed and secured in the free and uncontrolled authority in the regulation and government of his zemindary, subject to no demand, of any sort or kind or upon any pretence whatever, over and above the payment of the rent or tribute stipulated to be by him paid.”

These are the quotations extracted from the propositions; and I have read them in order that I might not be supposed to misstate them. Here we have the propositions themselves from whence this is extracted; and your Lordships will see how far the context justifies the extract. The first quotation is collected from, I think, three different sentences; half of each is taken and put together into one sentence. They are taken from the observation upon the first proposition, that is, the intention to render the Raja more independent. The next words are to be found at the end of the obser-

The quotations in the Article extracted from the Propositions.

29 Feb. 1775. vation, with a considerable intervening sentence. The next part is taken from an observation upon the second proposition. So that these are extracts from three distinct parts of these propositions of Mr. Hastings.

Now, let us see whether it was the object and intention of Mr. Hastings to render this man independent. Mr. Hastings begins his proposition thus—

Actual words
of the Pro-
positions.

"The sovereignty of the zemindary of Benares and its dependents having been ceded in perpetuity to the honourable Company by the 1st Article, it becomes necessary to determine in what manner the rights shall be exercised and the regular payment of the revenue due from the Rajah secured;"

And then he states—"that the plan of settlement" which he proposes was—

"To be without any encroachments on the just rights of the Rajah or the engagements actually subsisting with him."

And it appears that Mr. Hastings proceeded upon this idea, not to interfere with the subsisting contract; for he states, with respect to all the five propositions, that it is not his intention to impose any one by compulsion upon the Raja; but, as they were all alterations for his benefit, he imagined he would have no objection.

Object in
making the
rent payable
at Patna.

The words "made independent" occur in the observations upon the first proposition that respects his rent; and he there states his object to be that the rent should not be paid at Benares, but should be paid at Patna; and his reason for that, he says, is, because it would not frustrate the intentions of the Board of rendering the Raja independent; and he goes on to state why it would not: if a Resident was appointed there, he says, his opinion was that the consequence would be that he would immediately interfere in the management of his country; that would produce appeals to the Company, and, in the end, it would reduce him to "the mean and depraved state of a mere zamindar."

Nature of
independ-
ence
spoken of.

I should be glad to ask, whether anybody, in reading this altogether, would not immediately perceive that the independence Mr. Hastings is speaking of is that sort of independence that I at first stated, namely, to prevent any interference in the internal government of his country, because that was the only sort of subject with which a Resident stationed there was likely to interfere? But, if there could

* Minute of Mr. Hastings, submitted to the Council of Bengal, 17th Dec. 1775.—Printed in the "Minutes of the Evidence," p. 33.

is any doubt upon the subject, the next proposition is 29 FEB. 1792.
his,—

Second Proposition.

“That the Raja shall be empowered to exercise a complete and uncontrolled authority over his zemindary, under the acknowledged sovereignty of the Honourable Company.”

These words, which qualify and explain what sort of authority was to be given him, are wholly left out. It goes on and states in what he was to have a complete uncontrolled authority over his zemindary, namely, in the government of the country dependent on him, in the collection of the revenues and in the administration of justice; but it is all to be under the acknowledged sovereignty of the Company. Therefore, I think, that, on the reading the whole of these propositions, there could be no doubt at all but that the object of Mr. Hastings was, as I have stated, to exonerate him from internal controul, and to leave the general authority over him untouched.

Intention to remove internal controul.

Now we come to those words that are quoted as badges of sovereignty, and that they were so considered by the Company. From whence it should seem as if it was meant to be represented that it was the intention of the Board, in giving him these powers, to give him badges of sovereignty; and that they must have been so considered by the person who proposed to give them and by the Raja himself. Your Lordships will please to attend to the passage from whence that is taken, where it will be seen that the very idea that is here suggested was anticipated and obviated by the very passage from whence it was taken.

Grant of certain prerogatives.

Mr. Hastings proposes,—

“That sanads be granted to the Rajah [specially conferring upon him the power of appointing officers to the charge of the cutwally and the mint of Benares; the latter to be subject to such orders and regulations as the Governor General and Council shall at any time think proper to decree.”

Observation.—“These offices have been considered as marks of sovereignty; at least this has served for the pretext to withhold them from the possession of the Rajah, to whom they have been a heavy grievance, the cutwally especially, which, being held in turn and executed under the authority of a prince who had no interest in the welfare or ease of his people, has always been represented, as in its obvious tendency it could scarce fail to prove, a source of the worst corruption and oppression, from which there was no appeal. If there be any weight in the plea for reserving these prerogatives to the Company, the grant of them to the Rajah himself by special sanads will be a sufficient expression of their sovereignty, although the solemn renunciation of it already made by the Nawab of Oude is the best and most valid charter under which it can be claimed; and, while they have three brigades and a full treasury

28 FEB. 1792. to assert it, there is no fear that their right to it will be opposed by reasonings drawn from implied symbols of dominion."

This is the manner in which the person who proposes this speaks of these "symbols of dominion;" expressly obviating the idea which is conveyed by the extract given in the Article, and showing, beyond all possibility of doubt, that his idea was not, when he meant to grant it, to make him a sovereign; but he states that such an erroneous conception could not possibly be formed by anybody, when made matter of express grant, when we have the complete sovereignty given us, and when we have authority sufficient to assert that sovereignty. And yet, leaving out the whole context which explains it, we have the extract taken—"which powers are considered in that country as marks of sovereignty!" What signifies how they are considered in general; could they be so considered by anybody in this particular instance? Were they so considered by Mr. Hastings?

The idea of sovereignty of sovereignty disowned in the proposition.

The grant of prerogatives a proof of sovereignty to the grantor.

Case of Earl of Chester or Bishop of Durham.

Terms of actual communications to the Raja.

Could they be so considered by the Raja? What! when you are expressly telling him that it was to be under the acknowledged sovereignty of the Company that he was to have all his authority, could he be led into the mistaken notion that he was a sovereign or had marks of sovereignty? But what an idle supposition is this! Do not we know that prerogatives may be given in any country: such as are communicable may be granted without meaning to give any sovereignty at all. They are badges of sovereignty; but in whom are they badges of sovereignty? In the person that grants, not in the person that receives. They are badges of sovereignty when enjoyed by the inherent power of the person himself, but, when a person derives them as matter of express grant from another, then they are only badges of sovereignty of that other person who makes them matter of special grant.

The same may as well be said of the Earl of Chester formerly, or the Bishop of Durham, at present, who has *jura regalia*. The *regalem potestatem in omnibus*, who has *jura regalia*. The country—undoubtedly they do; but they cannot be considered as badges of sovereignty, given under such circumstances. But it is really astonishing how these words could be taken out and presented to your Lordships in this manner in this Article, when you look at what were the actual communications to the Raja upon this subject by the very instruments that are here quoted, namely, the instructions given

to Mr. Fowke, and when you look at the letter written by Mr. Hastings to the Raja himself, and the sanads that are granted upon this subject. I shall have occasion to quote them presently; and I only beg your Lordships will be pleased to bear in your memory what is this extract, and what is stated with respect to their being considered as marks of sovereignty, when I come to state what was the actual communication to the Raja upon this subject.

We have had a great deal of argument upon the proposition respecting the cavalry; and it is supposed that, by that proposition, Mr. Hastings intended to preclude himself and the British nation from any right to call upon Cheyt Sing for assistance in time of war, or to call for cavalry. Now it does appear to me, on reading the proposition, that it affords no such inference at all, and that the mistake upon that subject is this. The proposition respects an obligation to be imposed on the Raja to keep up cavalry—to keep up a standing force, in time of peace, upon a permanent establishment. It has nothing to do with the right to call upon him for such force as he actually had in his service. And these are two very distinct propositions. A man may be bound to assist with what force he actually has, and yet there is no obligation upon him as a subject generally to keep up permanently a standing force. If any such obligation had been imposed upon him, that would have been an encroachment upon the rights of the Raja, because before that time he was not bound to keep up any express force—certainly, not in the manner that was here proposed to be done: and the confusion between these two points has introduced all the erroneous conclusions upon this subject, and when that proposition comes to be read there will be no doubt at all.

The proposition is this:—

“That, in return for these concessions, and for the performance of his duty as a vassal to the Company, the Rajah shall engage to maintain in constant pay, and ready at all times for immediate service, a body of two thousand horse, on such an establishment as shall be prescribed by the Governor-General and Council [and that, whenever the service of this corps shall be required by the Governor General and Council, it shall be consigned to the command of such officer or officers as they shall appoint,] and be allowed from the Company an additional pay or gratuity of fifteen rupees a month, for each private man, and in proportion for the officers of such corps, during the time of such service.”

It is clear that this respected a proposition to keep up, in constant pay and ready at all times for immediate service, a

upon him—that besides keep
to assist us with them: the
question merely was, wheth
them up. Nobody dreamed
them up, we should not be
from negating the right, th
the right, and taking for gran
force, he would be bound, in
to the Company, to yield us t

Remarkable
omission in
the Article
of words of
the propo-
sition.

It is very remarkable how
Article which refers to this
those words, which are the n
the words "for the performa
the Company"—those words
negative the idea that this pro
him any absolute right. It i
we should go on both sides o
have part of the sentence bel
and yet leave out those impo
"for the performance of his
pany." I should have thoug
inserted these words than to h
obviate any chance of our be
he was not a vassal but intende
and that this very proposition
or duty to afford military servi

Other
omissions.

Another thing, too, is remai
this paragraph 12. These w
they were to be ready at all ti

not pay them; it was only that an additional sum should be paid him, in consideration of his keeping them up at all times. 29 FEB. 1729.

In the discussion of these propositions afterwards, upon the 5th of July, your Lordships will see that the only argument upon this proposition was, whether we should make this a permanent impost upon him. They say,—“If you do it, you will subject him to an annual increased expense, which you ought not to put upon him.” That was the objection. Mr. Francis says,—

Discussion of the propositions.
Confined to the question of permanence of the impost.

“I object to your compelling the Raja to keep up an extra force for our service; considering it as, in effect, an increase of tribute, which is contrary to the principles that have guided my judgment from the first object of this negotiation. I have no objection, however, to its being made an article of agreement with him, that he should either put the troops he now keeps upon a better footing in point of discipline, or disband them and raise an equal number in their stead.”

What signifies his putting them upon a good footing, if it is to be left at the option of the Raja whether he is to give the assistance of these troops or not, but no obligation is to be imposed upon him?

Mr. Barwell says,—

“I am of the same opinion with Mr. Francis; considering it as an enhancement of his tribute.”

Which it certainly would have been, if he was under a constant expense in doing it.

Colonel Monson says,—

“I am of opinion the Company should have received the Rajah's assistance upon the same terms that he gave it to the Nabob.”

General Clavering says,—

“I understand that the Rajah does keep up a large body of cavalry, and that five hundred of those which assisted under the command of [the captain of the Governor's guards in the conquest of the Rohilla country, were absolutely useless, by their total want of discipline when they took the field, but improved during the campaign.] I would not compel the Rajah to keep up any troops, but I would recommend it to him to maintain the number which the Governor General has proposed for his aid and our assistance; and, as the country of Bahar is open, where cavalry may always act with great advantage, and as the Company does not maintain any, I think it should be recommended to the Rajah to appoint some British officers to discipline and command his troops, by means of which great benefit may be derived from them in case of a war with the Marattas.”*

* Printed in the “Minutes of the Evidence,” p. 56.

inference, on their part
position, to relinquish the
I am contending for.

Proposition
that no
further
demands
shall be laid
upon him.

The last proposition is
has been laid, and from
Article—that no more of
pretence whatsoever, shall
proposition and the con-
length. I have read the
sense that is [to be] put
the context and the gen-
demands *ejusdem generis*—
interfere with the internal
is said,—

“ While he shall continue fid-
shall pay due obedience to the
demands shall be made upon
kind; nor, on any pretence
interfere with his authority or d-

The
demands in
view such as
interfered
with inter-
nal control
of the
province.

I say, taking the whole
that they meant to maint-
it is clear that he was to re-
this last proposition spent
I think it is clear to any b-
there spoken of must in
which, if made, would int-
ment of his country; such
troublesome, and which w-
of the Raja. But I wi-

estings had upon this subject at that time was, that the circumstance of the rent being fixed did not pre-^{29 FEB. 1792.} the Government from making further demands; what-^{liable to the} nse you will put upon the word "demands," that he demands. t precluded from them by the rent being fixed; for he as not to encroach upon the rights of the Raja, and tes this as an assurance which was to be given him; t which it is clear, in the understanding of Mr. Hast- at he would be liable to further demands. Then, if I y show your Lordships that no such assurance as is ated ever was given him, I trust I satisfy your Lord- not only that he was liable to further demands, but was so liable in the opinion of Mr. Hastings, and o far from its being declared that he was absolutely ed from all other demands, it establishes directly the y, supposing this ever was communicated to him.

ey would have looked at the subsequent proposition, would have read what actually was communicated, at was the final agreement with him, they would find is proposition never was actually notified to the Raja; l the communication ever given to the Raja was to assure him that his rent or tribute should remain and it was intended to comprehend in that all the luties which are appreciated and made matter of i contract with him; but, with respect to all the l obligations as a subject, and all the rights of the ny as a sovereign, when you come to see the words, tonishing how there could have been the least doubt ined upon this subject.

instructions given to Mr. Fowke are in page 57:—<sup>Instruc-
tions to Mr.
Fowke.</sup> your arrival at Benares you will wait on Rajah Cheit Sing, and im with the sunnuds which will be entrusted with you for that "

, what is the first communication to this man who e made independent; having first notified to him the gnty of the Company over all the territories of his ary, and received from him, on account of the ny and in their name, a nazrana, or acknowledgment rassalage, which we fix at 10,000 rupees? The first o be notified, then, is our sovereignty. The first thing one by him is the acknowledgment of our sovereignty. a order to make that notorious to all the country—in hat nobody might get the erroneous idea that he was to be a sovereign,—<sup>Notification
of sovereign-
ty of the
Company.</sup>

25 Feb. 1775. "You will then require him to publish this fact, by proclamation, through the country, and invest him with the *khilat*."

Proclamation of his authority.

So that here he was himself to proclaim his situation to the whole country, and to undeceive them, if there could be any deception entertained upon the subject of the increased power which he was to have—"You are yourself to acknowledge our sovereignty by an unequivocal act. You, who are the man interested to dispute it—if it could be disputed—you shall yourself notify to the whole country that you are not a sovereign, but that the Company are the sovereigns and that you are our vassal."

It then goes on,—

A fixed rent.

"It will be proper to assure the Rajah that we do not mean to increase his tribute, but to require from him the exact sum, and in the same species of rupees, to be paid at Benares, as he paid to Sujah Dowlah, by equal monthly kists; that, under the acknowledged sovereignty of the Company, we are determined to leave him the free and uncontrolled management of the internal government of his country and the collection and regulation of the revenues, so long as he adheres to the terms of his engagements, and will never demand any augmentation of the annual tribute which may be fixed."*

Can words be more express and clear than those are to fix what is the assurance given him—that his rent or tribute, which are synonymous, by the admission of the prosecutor himself, should not be increased;—"we give you no other assurance than that; you are to have all the internal power of the country, but you are to remain subject to the Company?"

Here is a letter of Mr. Hastings:—

Reserve of sovereignty.

"The Board have, therefore, thought proper to depute Mr. Fowke, on their behalf [to take possession of these territories; but, being willing to continue the grant of the zemindary to you in as full and ample a manner as you possessed it from the former sovereigns, and upon the same terms] I have delivered to the charge of Mr. Fowke a *sanad* in the name of the Company, together with a *khelat*, with which he is empowered to invest you in due form; reserving, however, to the Company the sovereignty of the country, to the full extent that it ever or might have been held by the late or present *Soubahdar* of Oude."

Omitted in the Article.

Now, there is not a syllable of this which is communicated [quoted in the Article], but all that was proposed before and never was communicated—that is quoted. This, which puts it out of all doubt that he was to remain a subject and was to remain *pleno jure* his sovereigns, is omitted; and yet we are

* Instructions from the Governor and Council of Bengal to Mr. Fowke, 24th August, 1775.—Printed in the "Minutes of the Directors," p. 37.

now told that these were "badges of sovereignty" that were given him, and that it was the intention of the Board to render him more independent. Surely it was necessary to have engrafted these words in the documents that were actually communicated to him, because it might be very apt at least to deceive a careless reader—not that it would have deceived any of your Lordships, I am sure, because you would have looked carefully at the documents themselves—but it surely was necessary to have introduced those words, which explicitly, and without all doubt, convey the idea of what was intended by the new contract.

It then states,—

"Upon occasion of this investment, that after paying [a nuzzerranna ^{Oath of} to the Company, which I have fixed at 10,000 rupees] it is necessary ^{allegiance.} that you take an oath of fealty or allegiance to the Company, by which you are to understand that, on forming any alliance with a foreign prince, or acting in any manner contrary to the fidelity which you have thus sworn to maintain to the Company, your zemindarry with all the rights and privileges granted to you by the Company will become forfeited; and it will be proper that a public proclamation should be made of those transactions, that the natives as well as Europeans may be fully informed of the grant made to you, with the reservation of the rights of sovereignty to the Company."

Good God! my Lords, can there possibly be words more clear to exclude all possible doubt, if people would read them? But, if we are to have quotations of the propositions that preceded and made no part of the contract and never were executed at all, if we are to have bits and scraps taken from the antecedent propositions, and not to have the documents themselves that formed the contract—not to have the assurance given to the Raja himself, and the words of it which exclude all possible doubt—I do not wonder that very considerable mistakes should arise, in reasoning upon the rights and in judging upon the conduct of a person so circumstanced. The sanads themselves are in the 70th page. I certainly shall not trouble your Lordships with going through them fully; they are particularly commented upon, and your Lordships will find them fully explained, in the 111th page of the printed Evidence, in the Narrative by Mr. Hastings.

The sanad begins thus:—

"Be it known to all the Mulsuddies, &c., that whereas, by virtue of a ^{The sanad.} treaty with the Nabob concluded"—so and so—"the government and sovereignty of the sircars above mentioned has been ceded to the Honourable East India Company." Then it goes on to say—"the East India Company, in virtue of the rights above contained, do confirm to

Exemption
from liability
treated as a sub-
ject not cov-
ered by the
statute.

Misquoting
from the propo-
sitions.

Recapitula-
tion.

matter of contract—are a
single syllable in the con-
text, of any assurance giv-
ing should be made upon him
all the general liabilities of

It seemed to me to be
may seem a minute objection
the manner I have stated,
when they come to sum up
conclusion of these twelve
insert there only the word
June, and not even cite it
there, in order to help out
thus—"subject to no de-
was pretty strong, but, he
add] "or upon any pretence
belong to another sentence
before—" that no more de-
any kind; nor upon any per-
son interfere with the author
have taken these words, with
sentence, and have tacked
sentence. "We will add
whatsoever." That may
to be sure; but unfortunately
the words that you quote
any such words to be found
that ever was communicated

I have, I apprehend, in
manner ascertained that

state of the contract, it was intended to render him independent; or, if not independent, to exempt him from the obligation as a subject to assist his sovereign in a time of war. 29 FEB. 1792.

Now, is it possible to draw that conclusion? Where there is an assurance to fix his rent, that has an obvious, a clear and a definite meaning. Are you to extend that to comprehend a duty that it does not naturally import, and, where there are words excluding any such idea, are you to suppose that they mean to give up the sovereignty, when they have expressly reserved it, or that they mean to give up the most important right of sovereignty, which, if it can be separated at all, it is necessary it should be expressed in strong and unequivocal language? I have endeavoured to argue that, if the sovereignty remained, this right could not be separated; but nobody can argue that, if it can be separated, it can be otherwise separated than by express words. It cannot be separated by any implication. They are not to construe away the most important rights of sovereignty by implication, much less by that which is not a definite implication, and which applies to another and a distinct subject. Nobody will argue in that way; and least of all will they argue that, when they find that the rent was fixed before, and that the duties, notwithstanding that, existed before. Then, I think, I have a right to say that his left us to the full extent the enjoyment of the sovereignty, as it ever had been before.

My Lords, could it possibly be intended, between the sovereign and the possessor of a frontier country, the most opulent, flourishing, province belonging to the empire, that the sovereign should be bound to protect him—without any express obligation, by the by, inserted in any of the contracts? Why, we want to protect him for our own interest and because he is our subject. The general duty upon the sovereign for protection, and the general duty of the subject to co-operate in the protection of himself and all the empire, in both instances, attach, not as an express stipulation, but as matter of implied obligation. We are to remain liable to protect him if this frontier country should be invaded by the Mahrattas; and, if we are bound to go out into the field to protect his country, is he, though he should have all his troops fresh and in full order for battle, to be at liberty either to co-operate with us or not—to defend himself or not? And will anybody argue that, if he is bound to defend Benares, he is not bound to

No grounds
for inferring
surrender of
sovereignty.

Natural
duty of
sovereign to
protect, and
of subject to
co-operate.

Duty of co-
operation
extended to

29 FEB. 1792. defend Bengal? Why, he defends Benares when he defends Bengal. Can a subject be bound to defend one part of the empire and not the rest? It is absurd and ridiculous in the extreme to state it. Another person might on the same reason say—"I will defend my own garden, my own house;"—but the limbs cannot withdraw themselves from the body in that sort of way. If you are bound to maintain an inch of ground, you are bound to maintain the whole; for upon exactly the same principle does object attach upon the whole. The idea is ridiculous and nugatory in the extreme.

No power in the Government to abdicate the sovereignty.

Those gentlemen who constituted the Government would have been traitors if they had abdicated this right, if they had voluntarily, gratuitously, solicited, without debate, without argument upon the subject without a word expressed in the contract, meant to give this right, in a frontier country, which was most capable of co-operating in the public defence; taking upon the Company and upon the British nation the burthen to protect yet to emancipate this man, without its being asked for, to abdicate the sovereignty without any compensation; leaving the rent remaining just as it did before, and a rent which was not one half the value of the zamindari—a rent of 50 lacs, when the whole produce was above 50; giving this most important and unalienable right of sovereignty to him, remaining ourselves liable. I say, nothing but the most clear, express and unequivocal, language could induce your Lordships to cast upon these gentlemen who constituted the Government so libellous an imputation, base a desertion of their trust, that, after the manner in which we had obtained the sovereignty, we should instantly abandon the most important right of the crown. They must have been drivellers as well as traitors if they had conducted themselves in this manner. But they did not do it! There are no words to imply it; and I beg of your Lordships will not by implication suppose they meant to do it.

Answer to objection of incompatibility of undefined demands with a fixed rent.

My Lords, we have heard a very extraordinary argument upon this subject. It is this:—If he was to be liable to demands of assistance, what is the use of fixing his rent? you can one day demand so much for rent, and the next day you can demand so much for assistance, what is the use of fixing the rent, when he is liable in another shape to pay a sum of money for assistance? With respect to the rent, I beg leave to ask whether it is not of some use that a man should be

very valuable country with a fixed, invariable, rent, though 29 FEB. 1792.
 he is also liable to co-operate in the defence of the country,
 is common with all the rest of the subjects? I rather think
 that nobody would be disposed to answer this question by
 saying it would be of no use to have a country that produced
 500,000*l.* a year paying only 230,000*l.* I dare say nobody
 would have any sort of objection, notwithstanding the general
 liability attaching, to have a country with a certainty that
 his rent would never be increased beyond the sum of
 230,000*l.*, and that all the other 270,000*l.* would be freely
 enjoyed by him; and that only on emergencies, only in
 time of war and difficulty, would he be liable, in common
 with everybody else, to defend his own estate like any other
 man. Is there no use in that? What is the use of enjoying
 an estate in this country where you are liable to taxes?
 Why, a very good use, having a good estate, if you pay
 one half of it in taxes. I should consider it of great use to
 have a considerable estate, paying a fixed rent for it, though
 I should be liable, *ultra* and beyond that, to obey the demands
 of the state. The fallacy is in this:—put the case that the
 lands belonged to another person who was not sovereign—
 for instance, if it belonged to any person in the country to
 whom that rent was to be payable as a quit rent, chief rent,
 or in any other character—would the fixing his rent preclude
 the sovereign from calling upon that person for assistance?
 If it would not, what signifies the union of characters in the
 person of the sovereign? He has united in him a right to
 call upon you for rent, as the landlord and owner of it; he
 has a right, as sovereign, in another character, to call upon
 you for assistance in time of war. The two characters are
 united, but the rights are as distinct as if they belonged to
 different persons. Therefore, considering this contract in
 every point of view, from every thing that passed from the
 beginning to the end, there can be no doubt but that it was
 the intention of all the parties in it to reserve this right.

Case of
liabilities on
an estate.

I have detained your Lordships at a very considerable
 length upon this subject; but it did appear to me to be im-
 portant to be settled as a preliminary, before we go into the
 consideration of the particular charges, because your Lord-
 ships will, by and by, find that the whole is founded upon the
 question of right. If it is once admitted that we had a right
 to call upon him for his assistance, then we shall be free to
 inquire upon what ground malice is imputed for the exercise
 of that right. Your Lordships will see in what manner

The case a
question of
right.

20 Feb. 1780.

Rebellion—
conduct of
Cheyt Sing.

Cheynt Sing conducted himself when we exercised the right how he shuffled and evaded from the beginning; how proceeded in evasion, disaffection, disobedience, contumacy and at last broke out into an open, a bloody and a ferocious rebellion. I shall state to your Lordships how the conduct of this man is represented in a paragraph that I shall, and by, call your Lordships' attention to—which, I believe, everybody will be astonished at when they come to see and compare it with the materials from which it is composed—representing the conduct of the favourite hero of the charge, who, your Lordships will find, was a rebel in heart; who became openly and publicly a notorious rebel who endangered the British empire at a most important period of it. This your Lordships will find to be the character and conduct of this man, exactly resembling attachment that we hear of. His attachment was like attachment of his father; and that idea of attachment taken up in favour of this native of India, to whom all the virtue, all perfections under the sun, are to be given, at the same time that Mr. Hastings is to be blackened with vice, and held up as a monster of tyranny and a person whose "heart is black to the core!" If they will look at the conduct of these men—if they will inquire of any part of the country, what they were—if they will look at records fairly, and not at parts only—they will find that attachment of the father and the attachment of the son are exactly the same. They were unfaithful to the Company, treacherous to the sovereign to whom they owed obedience, never, in any one instance, affording us any solid assistance that they could avoid giving; being driven by compulsion to afford us any assistance; enjoying all the favours that the British nation could bestow upon them, before they enjoyed, antecedent to the ceding the country to us, protection of the Company from the year 1764.

His treachery to the
Company.

Favours
conferred on
Cheyt Sing
and his
father.

What are all the events that have been given an account of, but a history of favours conferred upon them by the British nation? The father was protected and his life was in the year 1764 and 1765, and from that period to the time of his death. Of the son, the Article states, his life and zamindari were no longer safe than while under the protection of the Company. When we acquired the country, great privileges were bestowed upon him—generously and voluntarily bestowed upon him, in order to insure his attachment. What is the result of all this! When we gave him

valuable and important a country, possessing all the means 29 FEB. 1792.
 serving us, the very first moment we call upon him— Chey Sing's
 very first time we ever put his attachment to the proof disaffection
 I call upon him to render his service—your Lordships will to the Com-
 the shuffling, evasive and wicked, prevarication of this pany.
 man, who had just before sworn fidelity to the Company—
 no had that oath administered to him upon his sword—
 the most solemn manner in which it could be taken;
 no had in the clearest manner expressed his strong obli-
 gations to the Company. This man, throughout, acted the
 the double and wavering part that his father had done,
 keeping up appearances, making a sham of professions; but
 your Lordships will find, from the beginning to the end,
 when I come to state the conduct of this man, that he never
 could be compelled to give one grain of real, substantial,
 assistance to the British nation in the time of its greatest
 exigency, but, on the contrary, that his disaffection increased
 with our difficulties; till, at last, in our greatest distress,
 this man positively withheld it, and could not be brought, by
 the urgent, repeated, demands, made upon him, over and over
 gain, to afford the assistance that he was bound to afford!

In the meantime, what is the manner in which Mr. Hastings' Duty of
 conduct is looked at? Your Lordships will see upon Mr. Hast-
 what grounds malice is imputed to him; that all endeavours ings to
 used by Mr. Hastings to bring this false man to obedience, enforce obe-
 to enforce the authority of the Company, to secure the tran- dience from
 quillity of the state, to preserve its important rights in this him.
 country, bound as he was to preserve them, the guardian of
 these rights, and particularly bound to guard against any
 encroachment upon these rights by a man who approached so
 near to sovereignty, so near to independency, as this man is
 represented to have done, [are ascribed to malice: though] it
 became the more incumbent upon Mr. Hastings to exert all
 the powers he had to watch and to check this man; for if
 all the powers and favours lavished upon him did not operate
 to make him faithful, you must be sure that he was become
 then formidable in the extreme. It did become then neces-
 sary to watch and guard against the conduct of this man, and
 to check it by every means. If Mr. Hastings had not done
 that, he would have basely betrayed the most important duties
 entrusted to him, by abandoning the rights of the Company
 and suffering this man to obtain what he wished and what
 his father wished, namely, independency—that which, per-
 haps, is a natural wish by persons in high situations in that

in the country. And all the power and authority given him are only to have raised additional hopes and wishes in him to obtain something further.

— Lifted up so high, I 'advised submission;
And thought that one step higher would set me highest."

Chert Singh's
allegation, to
draw off the
Company's
attention.

That is the history of this man's conduct. You will find from the beginning to the end, that in this way he was tempted to make one bold push at that which his father had aimed at—that he did it by the most savage and blood-stained means. Human nature shudders at the barbarity with which the war was prosecuted against the India Company, and, notwithstanding that all is buried in oblivion, there is a shade cast over all this man's conduct. Yet, at the very moment when they are entirely silent as to his contumacious and disobedience throughout the war, all the shameful appearances of this man which were held out to deceive are quoted at length, word for word, and rest upon as if they were marks of sincere attachment, at every time the same documents show what was his real conduct!

Conduct
charged
against Mr.
Hastings,
antecedent
to his visit
to Benares.

My Lords, the conduct of Mr. Hastings which is the subject of animadversion is the conduct pursued by him antecedent to going up to Benares, his conduct at Benares, and his conduct subsequently. The conduct of Mr. Hastings, antecedent to his going up to Benares, respects the demands that were made upon this man; three of them requisition of troops, commuted into a sum of money; fourth, a requisition of cavalry. The next transaction is clandestine negotiation, as it is called, with the Wazir; the last, I think antecedent, is a letter—and I will here produce this as a specimen of the manner in which Mr. Hastings' conduct is construed towards this man—where your Lordships will find that every act towards this favored man, everything that Mr. Hastings does, has construction put upon it of all the malice and of all the wickedness that can be invented. I will state the manner in which the letter that he wrote to him is described:—

His letter to
Chert Singh.

"That the said Warren Hastings, in further prosecution of the wicked design,"—which is a design to harass, oppress, and ruin the Raja,—“and in order to draw the said Rajah to some act which may afford a pretence for violence towards him, some time early in the month of January, in the year 1781, peremptorily and insultingly did write a cause to be written a letter to the said Rajah, charging him with delay in payment of the monthly kists or payments, although the said Rajah did pay his kists with the utmost regularity, and the stipend to the said Mr.

Ally was paid with equal regularity, at the very time when he did 29 FEB. 1792.
'and unjustly charge him with delay in paying the same.'

Now, your Lordships see in what manner these charges
drawn against Mr. Hastings. A letter is written to
Cheyt Sing, charging him with delay in the payment of his
monthly kists; and this is represented to be in prosecution
of a wicked and malicious design to ruin him, and imputing
to Mr. Hastings the foulest purpose that ever entered into
the heart of man to conceive—"in order to draw the said
Cheyt Sing to some act which might afford a pretence for violence
against him." Good God! my Lords, can it possibly be con-
sidered that such a charge should be made against a person
in a public station—that he was using means to draw on
Cheyt Sing to some act that might afford a pretence of violence
against him?

Imputation
of design to
ruin him.

I will, by and by, examine this paragraph, and I will
show it to rags—the facts upon which it stands—every
part of it. I will examine it to the quick, and show that all
which is made matter of imputation against Mr. Hast-
ings is a mistake—I will say no more—is mistake on the part
of those who have alleged this very circumstance; and that
the letter on which such foul imputations are alleged will be
shown to have been in consequence of the representations
made to Mr. Hastings, which it was his duty to attend to;
that all the ideas of its not being true are founded on
a mistake of those who have drawn this very paragraph.

Imputation
founded on
error.

My Lords, the first measure in the charge against Mr.
Hastings is the demand made upon the 9th of July, 1778.
This measure is, requiring of Cheyt Sing to contribute his
share towards the burden of the war, by consenting to raise
and maintain three battalions of sepoys at his own expense.
This is the proposition. Your Lordships will find the
letter in which it is made up into an article of charge.
Your Lordships will find that the measure itself bears a very
proper proportion indeed to the criminal imputations that are
brought upon it. The measure is not disputed. The manner in
which he is represented to be guilty is this:—

Demand on
Cheyt Sing
to maintain
three batta-
lions of se-
poys.

That the said Warren Hastings, while Governor-General, in direct
violation of his duty and of the trust reposed in him, and in positive con-
travention to the treaties, stipulations and engagements, which existed
between the East India Company and the Rajah, with a view to harrass,
ruin, and finally to ruin the said Rajah, in consequence of preconceived
animosity against him, did, on some day in the month of July, in the
year 1778, under the pretence of a war in Europe, of which he, the said
Warren Hastings, had not any authentic accounts, and at a time when

Quotation
from the
charge.

29 FEB. 1792. the treasury of the East India Company was unusually full, and no general levy or contribution was made upon any other persons in situations similar to that of the said Cheit Sing, require that the said Cheit Sing should furnish three battalions of sepoys at his own expense for the service of the said East India Company; and did exact from the said Cheit Sing the sum of five lacks of rupees, under pretence providing and paying for the said battalions."

We are a long time before we come to the matter. There are a great number of words before it, and in it consists all the charge. The charge, your Lordships see, in the triple way that I have stated it. Here is the motive; how do you make it out to be criminal? "Why, three ways;—First, as to the motive—preconceived malice. Secondly, as to the nature and quality of the act—in breach of treaty. And, thirdly, as to the object and design—to ruin the man." Take this along with you, and it is prescription for a charge of a high crime and misdemeanour for any one act a public man does: for, only annex your idea of his motive, put your construction upon the act, and superadd to that an object for it, and then any vote which any of your Lordships may at any time give in Parliament may be made a high crime and misdemeanour. Therefore, I only beg that it may be seen in what the criminality consists; and that it may not be supposed to be what the honourable and learned Manager, who summed up upon the head, said,—that the evidence exactly coincided with the charge. So it does, if it means that Mr. Hastings proposed the measure. Here the nature and the quality of it is laid out, and I prove the charge because I prove the measure. But the material points are that which is matter of opinion. Was it such as you represent it? Was it matter of suspicion? Did it arise from such a motive, and was it directed to such an object? That is the point; and that is to be examined in a different manner with respect to one ground upon which they attack this transaction, namely, the nature and quality of it.

Right to
make the
demands
established.

I have troubled your Lordships at full length, and do not repeat a word with respect to this or any other demands. If a proper occasion arose for making such demands, I should take the liberty of assuming that I have established the right to make these demands; and I conceive the prosecutor cannot succeed in making good this charge, unless he can, in this and in all other instances, establish two things—first, that the acts that are charged are in themselves unjust or improper; in the next place, the bad intention. Because, if it

will admit that all the measures towards this man were just, 29 FEB. 1792.
 is no matter what the intention was; for the law does Intention not regarded by the law.
 not respect intention with regard to political acts, any more
 than as it breaks out into actual effect. If all the measures
 were right, no matter what was the intention. It is, there-
 fore, necessary, as one ground to establish your charge, to
 prove the act not to be right. Then, if you admit to me that
 the motive was a good one, though the acts were wrong,
 yet if the motive was pure, if they proceeded from a real
 desire to discharge his duty, then in a criminal charge it
 does not signify whether the acts are right or not: the inten-
 tion is the thing to be looked at. Did the man, *quo animo*,
 act honestly and *boni fide*, from a sense of duty? If he did,
 though he was mistaken in the measure, and though your
 Lordships, in your superior wisdom, reviewing the measure,
 might wish the matter had been otherwise, yet, if the heart
 stands right and he had no bad intention in anything that
 was done, no matter what were the acts. I state this
 only for precision, because the prosecutor is bound to prove
 both. I hope I shall show he has neither proved that the acts
 are improper, nor laid any ground from which an inference
 can be drawn to show any improper motive.

As to that part of this transaction which respects the Question of breach of treaty.
 breach of treaty and all the rest, I have submitted my feeble
 arguments to show that there was no breach of treaty com-
 mitted by Mr. Hastings in demanding assistance from this
 man: and, that being the only ground upon which the breach
 of treaty is imputed in this Article, I take the liberty of
 saying that that part must be wholly laid out of the case;
 that your Lordships cannot vote that he has been guilty of
 a breach of treaty, without negating all the antecedent
 inquiries which I have submitted to your Lordships' obser-
 vation, and saying there is some treaty by which we are
 prohibited from making these demands. But there is none.
 But I do not say that, having established the right, there-
 fore I have justified the exercise of that right.

The next point, then, is with respect to the motive. The motive.
 The motive is preconceived malice to Cheyt Sing. I have, in the
 first place, observed that it can, on the part of the prose-
 cutor, be no more than suspicion. He cannot with certainty
 know the heart of another: it must be that the *quo animo* the
 act was done is, on his part, matter of suspicion. I do not
 know the means by which one person can with certainty
 know-- I do not mean to say that he may not by evidence Malice incapable of proof.

charge against him
demand upon Cheyt Si
design to ruin him? In
best intentioned servant of

Demanded by
Mr. Hastings.

First, he would answer
Mr. Hastings has done.

appeal to that Being to v
tainty is known what his i

Consequence
of others.

The next thing which a
say,—“The measures whi

in a personal motive with
concurrence of many other

been under the influence of
taken the liberty of pointing

Improbability of the
imputation.

Thirdly, he would say,—
the highest degree improbal

In a word, that Mr. Hastin
year 1778, in the then stat

that government, with all
upon him, and his own cha

everything that was dear to
the whole service in which

reared, that government that
which hung upon his arm a

support, under the pressure t
and the ensuing years;—to s

and deliberately to have end
own government internal co

the man who could best assi
province of the empire, who

against their host of enemies—
when conciliating all enemies.

ur, if he had conceived malice or a bad design against ^{29 FEB. 1792.} any body, [should attempt to act upon it] for his own sake, for his own interest, without consulting his heart or giving him credit for a grain of integrity, would prove him guilty of the most extreme folly that ever existed in any man, as well as the greatest wickedness. What must have been his policy if he could lay aside all regard to himself, to his country, to the government that he was conducting, and at that moment descend to the littleness of ruining a zamindar for the purpose of gratifying his own private vengeance, when all the affairs of the state were wielded by him—all the affairs of the empire, public and private, domestic and foreign, and his great mind embracing them all!—that at that moment he should be plotting against himself, against the government he was conducting, and should at that time be endeavouring to raise up against the government an eternal foe that was to blast all his schemes, to ruin all his views!—that he was to bury his government in disgrace, and, himself returning to this country, having nothing but his honour and his character to protect him here, that he was to come back a man blasted with infamy and folly! Do not let us imbibe these wild ideas, till we have them established by strong and clear evidence. Yet how can a man possessing a honest heart answer it but in this mode—by representing the gross improbability and absurdity of the imputation?

There is, indeed, another mode in which an honest man ^{Justification by character.} might meet a slanderous imputation of this sort. He can say, ‘Read my character. What has been my general character?’ My Lords, I do not forget an observation that was made upon this subject, much more neatly in the expression than justly in the application, as it seems to me, and which is to deprive Mr. Hastings of every means of defence that an honest man can have. I do not forget the observation that was made, that, in every Old Bailey calendar, we read of Character!—Guilty!—Death!* It is a very neat observation, but how does it apply in the present case? What, my Lords, are we, in this sort of way, by neat phrases and by eloquence, to deprive a man of his best support, when malice and intention is the charge and suspicion? How is an honest man to defend himself, if every man that he can have recourse to cannot avail him? If he

See the Speech of Mr. Burke in opening the Sixth Charge, printed in the tenth volume, p. 6.

29 FEB. 1792.

Testi-
monials of
persons liv-
ing under
his govern-
ment.

produces the testimonials of all that lived under his government, who say—"We never looked upon this man as a cruel man—to be that eastern tyrant, that despot possesses that foul, black, heart, gangrened to the core never found it in our country; we never believed it." he produces all this—"Oh! these people know nothing of the matter. I in my own library know all this matter know nothing of it. I know the injuries you say though you know nothing of them. I have seen the you have had, but you are so dull and stupid that never found it out. All you that lived under his government, to whom he was dear—you are all in a mistake am right, in my own closet: you are all wrong, and I found out what was the character of this man's government. You know nothing about it. You are all a set of insipid, drivellers, and do not know the truth of it."

Of European
witnesses.

Then, if he is to call European witnesses, they are of the same tame race; then they are to be all disposed in a word:—"They are a banditti, and he the captain-general of them." So that all those persons who have known this gentleman, all the natives, all the Europeans, all saw anything of him—why,—“they are all a set of dupes in the same wickedness; and you are not to attend to any one of them, because they are only coming to see their captain-general; and these are all, from one end to the other, the gang!” Then what is a man to do who conducted a government to the best of his power? appeals for the truth of that to all under his government: natives, Europeans, military men, civil men, who have thanked him for his long and faithful services:—"You are all wrong: I have discovered the whole, and I know nothing about this man."

Absence of
complaints
from the
people of
India.

Are we to give credit to this? Must not we rather suppose that the individual is mistaken, or that the individual suspicion is wrong? When it militates with that, it cannot exist. Is it possible that any person, with such a base as he has been represented to have, could, for thirteen years, conduct that government, and that, after all, there should be—as Mr. Shore has stated—not one complaint against him? When the charges have been handed about all India, all the eloquence has not made one convert. They are all uniformly of the same mind about him; and “to this hour, Mr. Shore, in 1789, “when I left the country, there was not one complaint against him!” When all the testimonials

nable to him, when all the persons under his govern- 29 FEB. 1792.
—Europeans and natives—love and adore him, then the
honourable gentleman is to tell us that he possesses
art black and gangrened to the core;” that he is an
tyrant, an eastern despot; that he never dines
out creating a famine, and that he is feeding his ravenous
with all the blood and wealth of that country.* Are
extravagant ideas to be entertained with respect to
Hastings?—or are we to give credit to the *omnis, undique,*
omnium multitudo? They are all for him, to a man.
are all gratitude.

God God! my Lords, in a time of adversity friends are
to fall off. Would gratitude bring forward people to
about him with such ardent affection, to come pressing
forward to vindicate his honour and his character, and to
sent him to be not the man you supposed him to be,
unfortunately for him? Would gratitude induce men to
re themselves for a tyrant? Would gratitude induce
Major Gilpin to say of him—“there is not in any country
more amiable private character than Mr. Hastings?”
Would gratitude induce Major Gilpin to speak of him in
the way he does, who says, without ever having received
favour of him, or seeing him till he saw him at
Helena, that the distinguishing characteristic of his
character was humanity? How are we to account for
this? Would accomplices present themselves, the voluntary
witnesses to their own and his guilt?—Would they come for-
ward, in the face of the power of one branch of the Legisla-
ture levelled against an individual, and attest repeated per-
juries with respect to this gentleman? I hope, therefore,
your Lordships will rather believe the more probable
and the more natural supposition, namely, that all this may
be an unfavourable impression taken up with respect to this
gentleman, rather than impute perjury to so many persons
who had the best means of knowledge of his public and
private character.

I admit that character as opposed to a direct fact is
a weak ground; and I never will have recourse to character where
there is any other means by which I can examine the charge.
When it rests on suspicion, when it rests upon impu-
tation which cannot be met by direct evidence, I am for-
saking to it one of those defences that an honest man is
entitled to, which is the best reward of a good life, of

General con-
currence
in testimony
to Mr. Hast-
ings' human-
ity.

Proper occa-
sion for ad-
ducing
evidence of
character.

Application
of the
rights to a
warrant
against the
person
mentioned.

British inhabitants.

But, my Lords, give me a most extravagant honourable Manager, do not see here—suppose imputation with that of charged with having wicked and malicious, had been base and wicked, nobody would for a moment prefer against your Lordships will not because nobody can believe wicked and malicious, charged of that right honourable as clear from any of these man that lives? First, he say—"In that measure of malice, I have the concurrence that imputation." Next, I myself, in the highest degree, intending to ruin an individual, present to you my character, friends, public and private, capable of that mean and do to me." And would it be him was to get up and, in character!—Guilty!—Death?" that crowded round him.

not true, that it would by any means follow, or that anybody would have the wickedness to impute to him, that he had not honestly discharged his duty and acted without criminal or improper motive, though he might seem too busy in pressing them. He acted from a good motive, though the charges are mistaken. I, therefore, only say you should, in common charity, deal with Mr. Hastings as would be done by. I do not say—"Judge not that is not judged;" but I say—"Act as you would be acted and let his conduct be judged as your own would be, or every man's must be." I present all the modes of defence, and repudiate this foul and wicked imputation.

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I do in every manner negative it, I trust your Lordship will then think that, though I have recourse to character in this instance, it is not to avoid a minute and waste discussion where that can be had; and, if I was to have recourse to character, there might be left out of those means by which an honest man can defend himself.

There is another sort of answer to a charge of this kind, which an honourable man might defend himself; and that is examining the grounds upon which the imputation is made. Now, with respect to that, we have heard in the course of the year 1789, I think, a variety of discussions with respect to circumstantial evidence. In that year, the records of the proceedings of your Lordships will be found, generally, to consist of very little more than the proclamation of the decision of incompetent evidence. The Managers draw; they protest against the determination, and present the same evidence again, and desire your Lordships will refer it into your more deliberate consideration, for they do not approve of your determination. In the course of that year, in the speeches which were made before and always after the determination, I remember there was a constant allusion to Capt. Donellan's trial, as if his trial had proved nothing new on the point of evidence. Circumstantial evidence is equal and, in some cases, superior to direct evidence. Why, everybody knows that without quoting Donellan's trial for ever. We have had it quoted about a hundred times, to establish a proposition which is a self-evident truth. But does not every body know that there are three sorts of presumptions; the *violens*, the *probabilis*, and the *levis et temeraria*—that light and presumptuous presumption which, says Lord Chief Baron Gilbert, has

Grounds of
the imputation
of malice.

ings had malice again
in Cheyt Sing. The
evidence upon it, ex
shall allude to present
1777, Cheyt Sing sen
At the time when then
when matters were hot
there was an attempt,
wrest from Mr. Hasti
down a wakil with a
What is the inference?
We have found out t
Have you any evidenc
fact." But how do you
for it. "Oh! that I
instance of Cheyt Sing's
it, you say—"this, I an
Why? did he ever say
Did he ever censure him
tion at the time upon th
up in his own breast; I a
ing out in the year 1778
that suspicion warranted by
How does he mention it?
Raja—having stated then
unequivocal to everybody.
this man's misconduct,"—
number of circumstances
designs; and these designs
divisions in our government
instance of his looking to

nour, when he had occasion to speak of it, obviated the reputation by saying,—“I owe it, in candour, to the gentleman whose name I have reluctantly introduced into this count, to obviate an inference that may be made from it that he had any part in these politics. I do from my heart”—says he—“deliberately acquit him; however I may, in the moment of instant disappointment, have suffered my mind to catch such a suspicion: but if I have, it has been truthfully concealed within my own breast.” That was the manner in which Mr. Hastings acted towards his absent opponent. He did not, behind his back, by anonymous publications, endeavour to traduce his character or to wound his reputation; but, when there was the least possible chance of a hint being given to the prejudice of the absent person, he caught it up instantly. He takes blame to himself. That shows what the honourable feelings of this gentleman were. If he has for a moment suffered his mind, in the moment of recent disappointment, to catch such a suspicion, he has, at the first opportunity, disavowed it, and has taken blame to himself for having entertained it; and he has deliberately and from his heart acquitted the person who might lie under suspicion of it. That was the way in which Mr. Hastings acted upon this occasion.

29 FEB. 1792.

Candour of Mr. Hastings in acquitting his opponents of improper motives.

With respect to the divisions themselves, without imputing any kind of blame to him, I say that the divisions did produce the effect upon the mind of Cheyt Sing to encourage him in his disobedience; and I will prove that by a declaration of the very gentleman whose opposition was suggested as the cause of these misfortunes. I will prove it by his declaration of his own opinion of the great importance of unanimity, particularly as applied to Cheyt Sing—that, if the proposition was carried unanimously, the probability was that he would not oppose it. Then it is clear his idea was that, if it was not unanimous, if there was a division, it would encourage the Raja to make opposition; and, in point of fact, it did so.

Effect on Cheyt Sing of the divisions in Council.

I will show, throughout all the history of this man, that such were the effects of the divisions in the government. I do not presume to say a word upon the effect of opposition in a popular government. It has its good and it has its evil. I have no offensive meaning in the expression. I mean that public debate upon public measures, when the operations of government are opposed, has its good and has its evil. Nobody would wish, in a free government,

smallest imputation v
agreed in this—that, in
the seat of empire, con
who are to govern, as
foreign yoke is to be in
are kept, as was justly c
if it should ever unf
divisions among those
important effect upon
that country—as was
disposed to disobey and
ment will be induced to
in the Council that will
therefore, hope that no j
ration, made by Mr. Ha
the divisions in the Cou
Sing

*Suspicion
of designed
hostility to
Chey Sing.*

As to this suspicion,
moment, hostile to Chey
have not the least evide
In the next place, though
the negative, yet I will
that will satisfy every on
never did harbour the s
Sing, upon this supposed
pened in the year 1777.
that, subsequent to that p
plaints were made agains
who saw his conduct an

our Lordships will find that, in truth, it was entirely ^{29 FEB. 1792.} wrong—as Mr. Graham alludes—to Mr. Hastings' partial regards for this man, that he did not listen to the constant representations that were made to him of his misconduct in various ways—of his infidelity to the government—and that, on all the conduct of this person—such as I shall, by and by, show it to have been—he did not have recourse, as perhaps he ought to have had, to stronger means to bring him back to a sense of his duty, and to prevent all the mischievous consequences that at last happened.

I will show that, in the year 1780, a person who was near Mr. Hastings applied to him and made complaints, as he had done over and over again, of the bad police in the country of Cheyt Sing, and of his misconduct. When he came to represent complaints about him he could scarcely get a hearing. Mr. Hastings turned a deaf ear when Cheyt Sing was the subject of complaint. And your Lordships will find, what is still more satisfactory, that, in the year 1781, when Mr. Markham was sent up as the Resident, the very last words spoken by Mr. Hastings to Mr. Markham were, advising him like a father in his conduct to Cheyt Sing; advising him not to let any circumstance induce him at any time to betray any impatience towards him; to try what forbearance and moderation could do; to beg of him to come back to a sense of his duty; to exhort him to furnish the Company with the cavalry that the service required; to tell him—"I am afraid Mr. Graham has been harsh with you;" to try what other means will do; to entreat, exhort, beg of him. This was in the very last year, the year 1781. Then, when he expressed himself in that confidential manner to Mr. Markham, at the time he was going up, can it possibly be believed that this suspicion—for it is no more—is well founded? It is obviated in every possible way; and it is rendered extremely improbable from every circumstance that attends it. I hope I have satisfied your Lordships, in this way of considering it, that there is no just ground for the imputation.

I will now proceed to examine the grounds upon which this imputation, so heavy and so severe, is laid upon Mr. Hastings. Your Lordships will see, when it comes to be stated, that there are three grounds of suspicion upon which you are to rest. The measure itself must have been designed to ruin him. Why? Because,—first, it was upon pretence of war, of which you had no authentic accounts.

Complaints made in 1780 of Cheyt Sing's misconduct.

Not encouraged by Mr. Hastings.

His recommendation to Mr. Markham of forbearance towards Cheyt Sing.

Reasons assigned for imputing to Mr. Hastings intention to ruin Cheyt Sing.

Imputation
of several ap-
proachments
of war.

It was demand if Cheyt was. If he was right in this instance Now the first in war, of which he sham and mere pret You lay hold of this been rinking in you that could warrant for suspecting you of proving that he ha ducing the intelligence *existentibus eadem est* who has undertaken sufficiently authentic preparation, has not as was—that is, he has not see what the intelli pose there was none; will now beg your Lord it, and see whether a ma enced by malice who cou upon such sort of intellig Your Lordships will re in the month of July, I zeal, the vigilance and th who, fortunately for th tive of the British natio settlements in Ind

Information
received
from the
Ambassador
at Paris.

happened, they received this intelligence from **29 FEB. 1792.**
 , who was the Company's agent, stationed at
 , for the very purpose of transmitting intelli-
 ge, —

Intelligence
 received
 from Mr.
 Baldwin.

lity of agent to the Honourable the East India Company,
 mbent on me to communicate to their Presidencies in
 ligence which may affect their interest or safety, but I
 t, in the present crisis of public affairs of its being my
 glishman. I have, therefore, the honour to lay before
 able Board a sequel of the advices arrived since the
 uptain Thirleton, on the 7th of April, from Suez.] On the
 I received an express from my agent at Alexandria, dated
 il, 1778, containing the following advice, viz. [' Last night
 bor, in this port, a Venetian ship under the command of
 ochia, being only nine days upon his passage from Coron in
 ngs advice that, before his departure from Coron, a French
 there with public despatches for the French Consul,
 declaration of war with England, and that an English
 allen in with and taken 28 sail of French ships laden with
 for America. The French merchants have received the
 ce at the same time, and I thought it too consonant to
 f public affairs not to take proper notice of it. Captain
 t day going to Suez, in order to depart, and I thought
 ent him with the following letter.]

ave just received intelligence from Alexandria, dated the
 d the following purport [*here was inserted the copy of the
 ed paragraph*]. Now, sir, as this intelligence seems more
 , and a confirmation or contradiction may arrive in the
 ek, you may think it your duty to retard your prepared
 order to convey information of such importance to the
 sirs into India. It is mine to offer it to your consideration.
 advices from Europe gave us the best founded expectation
 ent, and the unusual delay of some expected merchant
 rseilles give us room to conjecture that an embargo may
 upon all shipping for the purposes of war. In order to
 laircissement possible of the intelligence brought by the
 in, and to gain time, if his report should be true, I shall
 spatch a messenger to Alexandria, with directions to my
 entreat the Venetian captain to make a regular deposition
 e brings, to affirm it in presence of witnesses, and to send
 diately. The messenger will be back in seven days.
 7th April, 1778.'"

answered me that he would postpone his departure from
 : return of the express from Alexandria, and I dispatched
 the same moment. In five days more, a more important
 ved to the French. On the 2d of May, in the morning,
 versation at a French house, where most of the French
 emble, letters were brought in express from Alexandria,
 d severally as they were addressed. M. Noel Olive, a
 nan, was the first that had perused the advices, and, upon
 apatently by the Count de Hautefort, next to whom I sat,
 news, M. Noel Olive made answer, greatly agitated in his
 e tartan was arrived from Marseilles bringing advices that
 eclared at Paris, on the 30th of March, against England.

predetermined to break with
orders to the Chamber of C
to all the ports in the Medi
their subjects upon their gu
mailed from Marseilles with th
to Algiers, Tunis and Malta,
the tartan reports that, he
courier arrived there with the
the 30th of March. The Fren
advice; but the many concu
presumption not to give it the
obtained by indirect means fr
firm all these reports, and say,
has sequestered two English v
over prisoners. But as strong
from the most capital house of
is dated the 25th of March. I
- By the carrier just come

Lord Sturmont has been recalled
France on the 18th current. In
packet-boat made sail immedi
upon oath, and that every circu
the French themselves.

"The arrival of the tartan i
however weight to these assertion
to an intelligence which may so
seems proportioned to, or rather
entreated the English gentlemen
subscribe to the following opi
present, on the second instant Ma
advice arrived. That we have
firmed from different people. Th
as that the war is unquestionably
of the nation that the intelligen
expeditiously as possible." [Name

"With the above authority, I t
justify my zeal in hastening away
observation to make, which leads
merchant ship

ence was confirmed by the oath of Mr. Bald- 29 FEB. 1792.

of in the truth of war being declared; and it by the conduct of the French merchants, &c. ce is sent to Bombay. They despatch the sel, the Morning Star, conveying intelligence of war being declared between France and

That is Mr. Hastings' "pretence of war, of ceived no authentic accounts"! Upon this r. Hastings, the Council met on the 7th of ys before the 9th of July—when the mea- n arose; and upon this "pretence of war, of l no authentic accounts"—upon this pretence ole Council resolved unanimously, upon the i the manner I am going to state:—

of the intelligence contained in the above letter from ot to be doubted, and as it must be soon followed with Resolution of the Council on receipt of the intelligence. rmation of the fact, the Board judge it necessary to as immediately upon it. They are of opinion that the p for guarding against any hostile designs, &c."

at tiring your Lordships with the account of I will only state what is the measure they this pretence of war, which was a mere sham ga. The whole Board, upon the 7th of July, umously to recommend to the Council at umence an act of open hostility against France, y laying siege to Pondicherry. They, besides at a letter [should be suppressed] which was nt to Colonel Leslie, and which was ready for cting his march across the country: they im- er him to stop where he was; to march into a ountry; to be ready to return the very first hat was expected soon to happen. So that of war, which was not sufficiently authentic to ure of preparation, merely, in requiring a as a dependant of the empire to raise troops : defence—this pretence is thought sufficient of open, public, hostility against France!

as little dreamed, when he was acting for his such an occasion, and with such intelligence at he should have malice imputed against him. l, he had, but it was against the enemies of his : had a deep-rooted malice against them, when reason to believe the fact to be that war was l he did not stand upon the miserable pretence

Measure of hostility to France adopted by the Council.

Justification of Mr. Hastings' conduct in meeting the war.

His activity
in forming
plans of
outrage.

Partial
production
of the plan
by the
prosecutors.

any man tell me that
show that he believes
have resolved, upon
hostility against France
ings acted immediately,
and anxious love for his
out all his government
puted as crimes in Mr
zeal—an anxious wish.

What does he instantly
called upon the very ne
in the interval to consid
be formed for resisting
reason to expect would
He immediately tells th
will be ready with all hi
ject. With an interval
ployed, indeed—his min
what it was necessary to
enemies—what it was n
in a state of defence. H
tions, upon the 9th of Jul

When the charge is,
against an individual, with
it, I was astonished to se
only the proposition which
take the liberty to desire t
be read, and I hope your
not justly charged with a

ad fide, like a good Governor, and like the guardian of the British empire, protecting it against foreign and domestic enemies. 29 FEB. 1792.

Let anybody look at his plan, and see whether it is not a general plan, comprehending all the empire. That which occupied his mind principally was that which my learned friend treated with so much ability, and which I shall not speak, respecting the Raja of Berar, the Mahratta chief. It was a favourite object with Mr. Hastings to bring him round and to induce him to co-operate with us. That formed the greatest part of the minute; and your Lordships will there see how he discusses the state of foreign politics, and the obvious necessity of adopting the measure with a view to the public defence. But he thought he should go but a little way if he looked only to external alliances and did not guard for internal defence. He proposes, with respect to the country, that we should raise six or nine battalions of spoys; that, of them, three should be maintained by Cheyt Sing. He proposes that the pilots should examine the river, to see the manner in which an enemy may approach, and what means were proper to guard against it. There are six or seven propositions of the same sort, to guard against the approach of an enemy and to put the whole country in a state of defence; and, upon that day and the subsequent day, there was not a single spot subject to the empire of the British nation that was not covered by his protecting care. From east to west, and from north to south, by every means that an active, vigilant and zealous, Governor could use, he protects it in every part. He establishes at Buxar and Chittagong, and every other place, every possible means of defence; and, if he had not provided for Benares, it would have been the only spot he had neglected, but which is the most valuable and important part of the whole, and which was best able to support us. Look at the manner in which the proposition is brought forward, and see whether the manner of bringing it indicates anything like concealment—burying it amidst a number of other things in order to avoid its being seen. He brings forward the proposition to speak for itself, as a part of that mode of defence of the empire which he thought necessary.

Comprehensive character of the plan.

Overtures to the Raja of Berar.

Proposal to raise a force of spoys.

Other propositions.

At this very [Council] on the 9th of July, Mr. Hastings, speaking of the intelligence, expresses himself with some degree of doubt upon the subject. He lays it before the Board, in order that it might come forward with every dis-

Doubt expressed by Mr. Hastings in presenting the intelligence to the Board.

much diffidence and I
thoughts since our last
it, I see the objection
those which may be a
induce me to change it,
notified to us, though a
such strength as to arise
shall we proceed upon it
notified in all its forms?
is probable we may not see
the consequence of our de-
tive will be, instantly to de-
of Chandernagore, to de-
commissaries to take pos-
sible effects of the inhabi-
for the determination of the

Mr. Hastings had no ob-
jection to induce them to p-
to the offence he suggest-
ward for the consideration
sequence? Why, in this
unanimous upon this propo-
the affirmative, and direct
dispossessed: and they were
country, before this authen-
were driven out of every in-
country. Chandernagore was
French Governor, with all the
ments, all the French vessels
News was immediately sent to
ments, to inform them of war to
they apprehended.

Unanimity
of the Coun-
cil in recom-
mending
hostilities
against
France.

mere act of defensive preparation! And not only so, 29 FEB. 1792. they say that this proves that Mr. Hastings must have malice against Cheyt Sing, and that he had a design to kill him. This is the first ground upon which this imputation is founded.

If upon this intelligence Mr. Hastings had not acted, what could have been said of him? "Why did not you call upon Cheyt Sing?" "Why, because I had no authentic accounts." "Why, what a mean, a paltry, frivolous, quibble"—would it have been said—"is that! O! Sir you must have been lost all feeling for your country. Not sufficiently authentic?; it is a mean, a paltry lie. You did think it sufficiently authentic to act against the public enemy; and do you mean to tell me that you did not think it sufficiently authentic to call for the assistance of one of your own dependants?" What would you have thought of Mr. Hastings then? And these are the grounds upon which Mr. Hastings has been loaded with these imputations, so improbable in themselves, so reprobated by all that know him, negatived in every possible manner; and, when we come to examine the grounds of it, this is a bubble that bursts into air; this is the foundation upon which these heavy imputations have been thrown upon this faithful servant of the public who has served them nobly; and his very acts of zeal, his best exertions for the public safety are selected, not merely as matter of charge against him, but as the foulest charge—as showing him to be destitute of all feeling, "black and galled to the very heart!"

My Lords, the next circumstance of presumption upon which this measure is attacked is, that the treasury was unusually full. Your Lordships will pardon me if I take a liberty of saying that this is an unusual accusation. It is the very first time that I have ever heard it imputed to a minister of a great country, at the opening of a war, or to be of a very great extent, that, as a measure of preparation, he had a great deal of money in the treasury. If he had none, it might be some reason for not making a measure of preparation. But it is a measure of resource:—you have recourse to a measure of resource when your treasury is unusually full."

In the first place, suppose it was as full as it could be—that it was overflowing; what would have been the consequence? We know perfectly well that, in that country, you must in a great measure carry on a war by the money that

Liability of Mr. Hastings to blame, if he had not called upon Cheyt Sing.

Assertion that the treasury was full.

Necessity for ample funds.

them a single farthing—
 all you are to live upon,
 with that; and, as that is ex-
 replenish it but by the ob-
 blishment, with which you
 matter of imputation to Mr
 when he had a full treasury
 was empty, and then com-
 grounds to prove malice, a
 be produced against you the
 evidence of direct malice.

*Justice of
 calling upon
 Chert's King
 for contribu-
 tion.*

I will suppose the treasury
 is, whether the country is the
 ment, when measures of public
 public defence, is it not just
 man, supposing they had a
 are to increase our expense
 not he to contribute to it?
 sum by us, ought not he to
 expense? We are going to w
 " Well! what! will not you c
 rest of the empire to bear
 " Yes! because if you touch
 all the rest of the empire as
 touch me. I am much attac
 will not pay a farthing toward
 it will be malice in you to nu

*Motion of
 Mr. Francis
 for a loan.*

We have a curious piece of
 subject, and that is a motion

at propose a measure of resource. That motion was 29 FEB. 1792.
by Mr. Francis upon the 23d of July, 1778. The —
it is taken up in evidence in August, 1778—

re than seventeen days having now elapsed since the first advices
ceived on which we have deemed a war with France inevitable”—

all a pretence of Mr. Hastings, and it happened that
Francis concurred with him in that pretence!—

which has determined us to act offensively against that nation,
it time that the Board should immediately form a resolve upon
eral plan of measures which the defence of Bengal may require us
in the present conjuncture. The measures I allude to being of
al nature, and the resolutions leading to them being preliminary
ndamental, fall solely, as I conceive, within the judgment of the
the means and mode of execution may be determined by mili-
d official advice. I propose, therefore, that it may be resolved,
is the opinion of this Board that for the defence of Fort William,
ase of an invasion, and of Budge Budge, and to form an army of
sion sufficient to keep the field, it is indispensably necessary that
battalions of sepoys on the present establishment, amounting to
rank and file, should be forthwith assembled at or near the Presi-

Resolved, that of the above force eight battalions shall be sta-
in Fort William, which, together with two regiments of Europeans,
litia, and all the artillery, except one company, with a propor-
establishment of Lascars and artificers, shall constitute the stand-
rison thereof. Resolved, that three battalions and a half of
and one company of artillery shall constitute the standing garrison
ge Budge. Resolved, that the remaining eight battalions and a
sepoys shall be employed in the field as an army of observation,
he defence of such outposts and stations as the service may
. Resolved, that immediate orders be given to the officer now
nding in the field for the march of one of the regiments of
now stationed there forthwith to the Presidency, completing the
f necessary, by draughts of men and horses from the other regi-
of cavalry: and that the above regiment shall act in conjunction
ie army of observation. Resolved, that the above-mentioned
battalions of sepoys shall consist of all the native troops now in
npany's service, and that their places shall be supplied by new
or the defence of the Nabob of Oude's country, and of such other
nd stations as may require it. Resolved, that the regiment of
ans now at Burranyrow be ordered to the Presidency, and quar-
; Fort William. Resolved, that Colonel Ironside be immediately
into the Fort to take upon him the command thereof, with
sions to attend to the constant exercise and discipline of the garri-
rticularly to train and exercise all the Europeans, without distinc-
the working of guns. Resolved, in order to expedite the new
and to compleat the twenty battalions destined for the service of
sion, the militia sepoys at the different stations shall be revised,
h of the men as are fit for service draughted and incorporated in
blished battalions, and that their places shall be supplied by new
Resolved, that the colonels or commanding officers of the several

Emergency. Resolved, to immediately completed by drawing two companies belonging trained to the service of the equal in number to the trained to the same service sepoy. I also think it my Board, whether, considering expenses to be provided for, of a diminution in our country, and the advantage in that case would probably number of wealthy individuals Company's treasury for a loan.

Mr. Wheeler, upon this

Observation of Mr. Wheeler.

"[I take this opportunity to well for the defence of Bengal with my entire concurrence and adequate thereto, I deem absolute safety of the country commits delay in taking the most effective an invasion, after the advice embarrassed state of our Government prospect of assistance from them our employers, the people under at large."

These are the different periods of time. which Mr. Hastings oppose the country was in such a state of no alarm? No! he says—ended as you are. I do not

Objection of Mr. Hastings in a loan.

money and a chance of money we ought not to borrow, ^{29 FEB. 1792.}
cause"—says Mr. Hastings—"if we borrow we must

interest, and that will add to the distresses of the Com-
. Do not let us borrow till we want; for, if we do, we
subject the Company to the expenses of two lacs and a
a year; besides, it will lock up so much money in the
is treasury and take it out of circulation, which will be
her disadvantage. I think it might be a bad measure

. Do the wealthy inhabitants propose to lend us money?
cause, if they do not, my opinion is, it would have been
awkward appearance for us to be begging it. It might
be an alarm in the settlement to be calling for it upon
present occasion, and make an impression unfavourable
ir credit." This is Mr. Hastings' conduct. "Put the
e country in a state of preparation, but do not let us
those measures that are not immediately necessary and
h will be attended with present bad effect. Do not
d an alarm in the settlement. Do not beat for volunteers
and you money when you do not want it. I think

you that we ought to guard the country, but, if we
the money in our treasury that I think it is probable
hall have, probably we shall have enough. My senti-
ts are for not borrowing money, but taking measures for
aration." Now what inconsistency is there in this; or
it afford the least inference that Mr. Hastings did not
the necessity, because he did not choose to borrow? A
might perfectly well decide against a loan, and yet think
cessary to have recourse to a measure of preparation.

would only just observe further upon this head, before I <sup>Estimated
deficiency.</sup>
it, that, with respect to the estimate that they have
a in evidence, to show Mr. Hastings to have been of that
ion that would make it improper for him to increase
resources of the country—in that very estimate, when
times to be looked at, it appears, from the prospect
Hastings had of it, that in that very year the expenses
ld exceed the income; consequently he had a prospect
inning out. He, therefore, saw, at the time when he
e his estimate, that, though there was a prospect of con-
able wealth, yet there was a prospect—even if they
no addition of any other enemies—there was a prospect
it would gradually diminish, that it would become less
less.

ow, what an imprudent Governor must he have been and <sup>Risk of
blame in</sup>

21 Feb. 1780.
—
respecting
the present
state.

how wanting in his duty, if he had not supine and done nothing, because he had a full treasury! If he had not looked out to every proper, fair, resource, what would have been said of him, when, in that very year, I think, that sum of money was actually exceeded, and when I find that a large had been the demand upon Bengal, that, in the month of June, 1780, a most important measure for the public safety was opposed upon the ground that we could not afford it—that we had then so small a sum in the treasury—that we were reduced to such utter poverty and distress—that we were unable to carry on the war in the present state of it. What would have been said to Mr. Hastings then? “What did you not, in the year 1778, although you had a great deal of money in the treasury, look out to the possibility of calls for money, even though they were not foreseen? There might be demands for the other settlements. You know that for the exigency of a war they must all call upon Bengal. They could only maintain themselves on a peace establishment [You know] that the Bengal treasury must supply all the exigencies of the empire. It was your business to keep full as long as you could, by calling upon all the dependencies of the empire to contribute towards it, to prevent that time which is the only one you had for exigencies, from being exhausted.”

Assertion
that only
Cheyt Sing
was
summed.
No other
person in a
similar situa-
tion with
Cheyt Sing.

Circum-
stances of
Cheyt Sing's
position.

Burthen
revenue of
270,000*l.*

There is only one other ground, as to this measure, upon which the imputation of malice falls; and that is—that there was no general levy made upon persons in similar situation to Cheyt Sing. We have generally answered, that there was no other person in a similar situation. It lies upon the prosecutors to prove that there were any others. We were at issue upon it,—*et probatio imponitur ei qui affirmat*. It is enough for me to say they have not produced any proof that there is any other person in a similar situation with Cheyt Sing. But, my Lords, is it gravely meant to be argued that there must have been malice to call upon Cheyt Sing, circumstanced as he was, when we knew what his situation actually was considering the country he held—what his wealth and abilities were? I will state it to your Lordships in only three words and then I would ask any man living, whether Mr. Hastings must not have been a most partial and corrupt Governor, if he had omitted to call upon Cheyt Sing for aid, circumstanced as he was, with the ability that he had to furnish it to the Company. In the first place, the country that he held a

of 230,000*l.* a year, yielded, as we now know, 500,000*l.* 29 FEB. 1792.
 ear. He had, therefore, a net surplus of 270,000*l.* a
 r. In the next place, he had great personal wealth. He
 l [an inheritance] from his father, who was covetous in
 extreme, and who had long possessed the country and
 ased great wealth: the report of the country was that
 died worth a kror of rupees, which is a million sterling.
 at would have been accumulating, from the year 1770,
 added to by acquisitions of his own down to 1778, a
 ried of eight years; and, stating by any proper estimate
 actual worth of Cheyt Sing at that time, by the savings
 of his annual revenues added to the probable wealth
 rived from his father, I believe it is within compass to
 upon him in possession of wealth to the amount of two
 millions sterling. That he had immense wealth is known to
 certainty, by the treasure he left behind him when he left
 e country after his rebellion, and which was actually found
 Bidjey Gur; and there had been considerable sums thrown
 over the walls of Bidjey Gur, and carried off. The Raja
 himself had gone off with all the money which he could
 carry, with a large vessel of jewels carried upon an elephant
 before him, filled to the brim; and, although he had gone off
 with all that portable wealth, there was found in Bidjey
 Gur by our troops very considerable wealth. He was, there-
 re, abundantly wealthy in point of personal property. He
 as abundantly wealthy in his zamindary: it yielded a very
 considerable surplus, over and above what his payments
 to government of his rent were, and over and above what
 could be wanted for his own establishment and expenses.
 e had, besides, the whole internal government and the col-
 lection of the revenues committed to him. We could not
 call upon him, as we could call upon other zamindars, for an
 increased rent. We could not do with him, as with other
 zamindars, holding at rack rent; for it is in charge with us
 at, with respect to the zamindars of Bengal and Behar, we
 have squeezed too much, and that they could not pay for
 what they were then holding, as the others were all holding
 rack rents. According to your own account, this man
 alone stood in this predicament, holding at a certain rent, and
 sing of that ability that, if you had a right to call upon him,
 you could not avoid calling upon him.

Personal
wealth in-
herited from
his father.

Treasure
found at
Bidjey
Gur.

Other re-
sources.

Besides, in all the other parts of the country you could
 at establishments: you could provide for them. His

lace—above a million debt. Are they to come and Benares, and is others do contribute Government? There shown, and that prob to be said that it mus not another obvious m to render the assistance

These are all the grounds of preparation, namely, that he contributed his assistance; and his assistants are called upon to do charity, consider Mr. Hastings, instead of being cleared from the evidence, bleam can lay your hands upon him, believe Mr. Hastings, upon Cheyt Sing, to war, by contributing to the sepoy's, was not actually a motive—by a sense of duty after an unnatural motive by malice. You are told one of which, when examined and makes it his bound to have abandoned it; and in every circumstance that would have been all.

affles and evasions. Your real motive was partiality and ^{29 FEB. 1792} ~~corruption~~. You must have been bribed to leave this man out. It would have been a fairer ground for inference to say that that was your object for leaving him out." But no man in common charity, upon matter of suspicion, pronounce upon those grounds alone, upon his honour, that he suspects ~~Mr~~ Hastings to have been guilty of malice and design to ~~do~~ Cheyt Sing, in pursuing this measure upon the motives ~~and~~ upon the grounds that were then before him.

1 May 1792

My LORDS,—After
 favour, I have been a
 feel some apprehension
 trespassed too long upon
 having made that pro-
 hoped for, and which,
 expected. I am persua-
 which I have experience
 will make some allowan-
 feel in the cause of a ge-
 of your Lordships' judg-
 the happiness and comfort
 life, devoted to the public
 too—for his good name and
 in so many years of servi-
 your Lordships will partic-
 occasion.

Apology for
 dwelling on
 preliminary
 matter.

If I have seemed to dwell
 matter, your Lordships, I am
 it was necessary to take up
 perplexities which, upon the
 attempted, to support opinions
 well founded. If I have dwelt
 stances attending the measure
 be remembered that it is fit
 inferences are drawn of the mat-
 ters. My Lords, it has almost
 very grounds for

spatch; and I am persuaded your Lordships will believe 1 MAR. 1792.
 to feel the great importance of every moment of time,
 to your Lordships and to Mr. Hastings.

My Lords, the subject which I was proceeding to discuss The measure proposed by Mr. Hastings towards Cheyt Sing not a breach of treaty.
 when I had last the honour to appear before your Lordships
 was, the measure proposed by Mr. Hastings upon the 9th
 of July, 1778: and I have endeavoured to examine that
 measure in every point of view, and to see how far the
 prosecutor had made good the charge he had undertaken to
 prove upon that subject, by establishing that the measure
 was, with respect to the nature and quality of it, a breach of
 treaty and a breach of duty; how far it was, in respect of
 its motive of it, originating in preconceived malice; and,
 with respect to the object of it, how far it could fairly be
 considered, upon the grounds that are stated in the charge,
 as have been directed with a view to harrass, oppress and
 ruin, Cheyt Sing. I have endeavoured, in the best manner
 in my power, to examine the grounds upon which both
 the opinion entertained of the nature of the measures and
 the suspicions respecting the motive and designs of it, were
 well founded. I hope I have succeeded in showing that in
 neither respect is the charge made good.

I proceed now to trace this matter in the subsequent Charge of malignant motive.
 stages of the business, and to see whether there appear any
 traces of that bad and malignant motive towards Cheyt
 Sing in what passed at the Board upon the occasion, and in
 the manner in which this demand was communicated to
 Cheyt Sing, and obedience to it enforced. My Lords, I
 believe that all the mistake with respect to the conduct of
 Mr. Hastings towards Cheyt Sing will be found to originate
 in one or other of these three sources.

First, an idea of Cheyt Sing's absolute exemption—that
 there could be no just demand made upon him, in a time of
 war or public extremity, for any assistance whatever. Upon
 that idea it is that all demands made upon him are repre-
 sented to be breaches of treaty and acts of extortion and
 injustice; and, when that idea is strongly impressed upon the
 mind—that they could not justly be made—it naturally
 leads one to suspect the motive for doing it. If it could be
 once established that there was no right to make the demand,
 and that Mr. Hastings knew there was no right to make it,
 then the mind naturally looks out for some bad motive for
 doing it, because it is supposed that there could be no good

Sources of mistake respecting Mr. Hastings' conduct towards Cheyt Sing. Cheyt Sing's supposed exemption from calls for assistance.

choose the demands of him—is looked upon as towards a person well yielding to them all the due obedience to the as on his part faithfully a bound. If the contrary Sing's attachment is a person that he is supposed a considerable source of mis Hastings and of Cheyt.

Preconceived
malice of
Mr. Hastings.

The third source is taken up of there having preconceived malice to purpose to effectuate in showing that that idea review the conduct of

Caution
against pre-
judice.

My Lords, when we transaction, the first thing far that history is to be the opinions of that right; what are the opinions to the character of the person as we should advise history of England to prejudices that are entertained respecting the opposite person reviewing the persons would say—I recollect that it proceeds

sequent proceedings, I think your Lordships will have no difficulty in discovering all the mistakes that are entertained upon the subject of Mr. Hastings' conduct.

The first proposal of this measure is on the 9th of July, 1778, and is to be found in the printed Evidence, page 64. The answer of Cheyt Sing is in the printed Evidence, page 73. An agreement made with his wakil upon the subject, which is upon the 17th of August, 1778, is in the printed Evidence, page 73. A letter from the Resident of the 14th of September, 1778, which was not read, is in the printed Evidence, page 74; and the consultation of the 24th of September, 1778, is likewise in the same page of the printed Evidence. I believe these are all the documents that have been given in evidence upon this subject.

My Lords, Mr. Hastings proposed the measure in the manner that I have stated. It was taken into consideration, and there was a short debate upon the subject. That debate is in the printed Evidence, page 67. The first person who delivers his sentiments upon the subject is Mr. Francis; and, Mr. Francis's minute is very short, I will, with your Lordships' permission, read it:—

On the supposition that the detachment now employed under Colonel Leslie would not return for a length of time into the provinces, acquiescence in the proposal relative to Rajah Cheit Sing; but I think he would be informed that this additional charge will not be imposed on him beyond the continuance of the present war.*

That is the whole of Mr. Francis's minute. It is a clear acquiescence in the propriety of the demand, but proposing only to restrain it in this manner—to inform him that it will not be imposed on him beyond the continuance of the present war.

Mr. Hastings immediately says,—

The qualification proposed by Mr. Francis is consonant to my intention in the question, and is implied in it. I should have no objection to being expressed in an additional clause."

It appears, therefore, so far, all are agreed in the propriety of the demand to be made, and the restriction of it during the war. Now what follows?—

That our resolution upon the subject may be unanimous, I agree to be to the question the following words—'and to be disbanded at the end of the war;' but, perceiving that the difference in our opinion upon the subject arises not from a disagreement respecting the requisition

MAR. 1792

Documents in evidence relating to the demand.

Debate on Mr. Hastings' proposal of the measure.

Mr. Francis's minute.

His acquiescence in the demand.

Agreement of Mr. Hastings not to continue the demand beyond the period of the war.

* Extract from the Bengal Secret Consultation, 9th July, 1778.—Printed in the "Minutes of the Evidence," p. 67.

in the motion; but I have
passed by Mr. Francis."

Answered by
Mr. Barwell.

Mr. Barwell.—"An
pose to have been under
Guntipour to the Compe
the English admiral
may, in a time of danger
another policy, it would
establishment of Benare
ject to the discipline, or
as a defect; I, therefore,
these disciplined battalions
sincerely hope the Compe
and Guntipour under the
regular military force of I

Answered by
Mr. Barwell.
right of the
right.

The Governor General
of it,"—there is the per
he had formed his opi
government to impose a
command service and pro
cluded from it by any ag
Government."

Such were the se
after he had had one
arrival of the despatch
declaration of war.
his reason. It is now
subject of consideration
believe that every w
terms exactly as states
the most minute inq
ciple, that can be state
this—"that we have
cluded from it by any

With respect to this debate is, that the only doubt entertained by anybody was upon the question of right. With respect to the intelligence being sufficient to justify measures for separation, and with respect to Cheyt Sing being—if we had the right—a person upon whom it was proper to make a demand, upon those subjects they were all agreed. Those men who differed upon the question of right concurred upon the question of expediency. The question of right was referred to their superiors. With respect to all other points they were all agreed, and had no doubt at all; yet is it supposed that it was Mr. Hastings' malice and a design to ruin Cheyt Sing that induced him to propose this measure! My Lords, I would only make one observation with respect to the resolution which I am going to read to your Lordships. It has been said that on this subject it was only a desire to obtain his consent; and so could not be considered properly to be the act of the other members of the Board—of Mr. Wheler and Mr. Francis in particular. Mr. Barwell's is a very explicit consent, but that the other two persons are only adopting something that was to be a matter of consent on the part of the Raja. Now it does so happen that the word "consent," which was originally in Mr. Hastings' proposition, is left out in the resolution. It is not inserted as a matter of consent; for, though Mr. Hastings' proposition was,—

"That Rajah Cheit Sing be required in form to contribute his share of the burden of the present war, by consenting to the establishment of three regular battalions of sepoy, to be raised and maintained at his expense."

The words of the resolution are,—

"Resolved, that Rajah Cheit Sing be required in form to contribute his share of the burden of the present war, by the establishment of three regular battalions of sepoy, to be raised and maintained at his expense; and the Governor-General is to write to him to that effect."

If there be any force in the observation upon the word "consent," it is enough for me to show that the word "consent" was in the proposition, but was not in the resolution that Mr. Francis and Mr. Wheler concurred in.

In the next place, it seems a little extraordinary that that observation should be made; because, if it was only desiring something that he was to consent to, I do not know what was the necessity for discussing the question of right: and yet it does appear that that had been the only subject which was discussed, and which was the question distinctly referred

1 MAR. 1792.
General concurrence in other respects.

Assertion that the concurrence of the Board was limited to obtaining the Raja's consent.

Actual terms of the resolution.

Disproof of the assertion by the fact of discussion of the right.

the country, who are
Company, the Board
authority and power to
mandatory and of equal
the three branches of the

Authority of
the Supreme
Council over
the native
subjects of
the Com-
pany.

If it is to be understood
supreme Board at Calcutta
any of the zamindars
may question the authority
end of all the authorities
it is impossible to carry
Calcutta are subordinate
but, as between the Board
full sovereign authority
of that authority by the
by the natives who are
was the order passed
country.

The demand
not sufficient
to occasion
Cheyt Sing's
ruin.

Now, my Lords, it is
to ruin Cheyt Sing. I
then have made a requisition
be raised and maintained
reduced into a sum of
to the sum of five lacs
that such a demand would
Raja? The amount of
income; and he had, in
perty, from the best of
it, to the amount of
sterling. It was, then

would be ten pounds; and a fifth of it, it would be twenty pounds. Now, could it be supposed probable that a man so bent to ruin another who should, if he had a right to do it, call upon him to pay to the public exigency a sum that would be only one tenth of his annual income? Was it likely to effect such a consequence?

There was one way by which it might lead to bad consequences to the Raja. If he had intended to ruin him, he would have procured the Raja to resist the demand; because by resisting it he might draw bad consequences upon himself, by paying it none; for he had it in his power to pay it at once. Therefore, a person who had that object in view would do all he could to provoke this man to withhold it, because by so doing consequences might happen that would be injurious to him. Let us see then whether we discover, in the manner in which this is communicated, and in the manner of conducting himself towards this person, that Mr. Hastings does act in a way in which a person would naturally act who was possessed of the authority of the Board, and who wished to obtain obedience to that authority; whether his acts are all of that sort, or whether they are such acts as might be supposed to be intended to excite the Raja to oppose the requisition, and thereby to provoke our resentment against him—which is supposed to be Mr. Hastings' object.

Encouragement to resistance a surer means of ruining him.

Examination of Mr. Hastings' conduct in this respect.

Mr. Hastings writes a letter to him in the name of the Board, which he was ordered to do by the resolution of the Board. I will, with your Lordships' permission, read the letter. It is dated the 11th of July, 1778:—

His letter to him in the name of the Board.

"War having been declared between the courts of Great Britain and France—by the former on the 18th of March, and by the latter on the 10th of March—I am to request of you, in my own name and that of the Board, as a subject of the Company, bound to promote their interest on every occasion, to contribute your share of the burden of the present war, which will equally affect your interest and ours. It has been determined by the Board that an establishment of three regular battalions of sepoys, to be commanded by British officers, be raised and maintained at your expense, and employed on such service as the situation of affairs may require. I have no doubt but, regarding this measure equally conducive to your own and the Company's interest, you will with the greatest readiness comply; and I hope you will intimate your consent without delay." *

Are there any symptoms in that letter of malice and of a conciliatory character.

* Printed in the "Minutes of the Evidence," p. 1501.

in that country—between France? Cheyt Sing, an actual war. In what his obedience? "In my of the empire, and that he was bound to obey, as in the most solemn manner his fidelity to, upon part all its rights, privileges as communicated to him as to his interest, and expect he owed to contribute, to and ours. Here are all the gratitude—that can operate upon the interest he is represented to be ; believing him to be a faith did not think so, what it is "I have no doubt but that I will comply."

Does he with the great Lords, for his fidelity and Sing writes in answer is the printed Evidence. This is made any call upon Cheyt of the sovereignty. During a former sovereign he has with his troops. He had that, if I recollect rightly,

Chey Sing's
expressions
of devotion
to the Com-
pany when
under the
Wahr.

*The form of the English is

so full of attachment, although they are disgusting and ^{1 MAR. 1792.} ~~unpleasant~~ on that account? Why, my Lords, I have a very short letter, and with your permission, I will read it:—

"I have been honored by the receipt of your letter communicating the intelligence of a war having broke out between the courts of Great Britain and France, and desiring me to take on myself a share of the burden of the expense. My patron, I am the servant of the sircar. I will write you more fully hereafter."—

That is, *ad referendum* :

"On all occasions I am hopeful of your Highness's favor and support."

That is the whole letter! "I have received your letter. I understand the contents; and will write you more fully about it hereafter." Here is attachment! Why, I have heard, even in the northern climate of Europe, upon the breaking out of a war, of people offering lives and fortunes at once, even in the cold language of Europe; but here is a letter from this warm, faithful, humble, attached man. He says,— "I understand the obligation. I know what you say to me. I find there is a war. I am the servant of the sircar." "Well then, what will you do?" "Why, I will write you more fully about it hereafter." There is attachment! But, however, says he,— "on all occasions I am hopeful of your Highness's favour and support. I hope for a great deal of support from you, but, as to giving you any, I will write about that hereafter."

This is the warmth of attachment with which we begin! ^{Proof of lukewarmness.} It is rather cold, I think, considering what the obligation was; considering that this was the first demand made upon him; considering that this was the first proof that his fidelity was put to—to receive the call upon him in this way. One would naturally have supposed he would have said—"I wanted nothing but to know that there was such an occasion, and I am ready with all my troops, all my money, everything I have, to co-operate with you. I am ready with my life and fortune to support the empire which protects me, to which I owe my life and fortune. My father owed his life and his all to you. You have done all for me; I will co-operate with you." That was what you would naturally expect from a faithful and well-attached servant; but, instead of that, we see the first appeal made to him for assistance is received with this coldness; not a refusal, not a denial of the obligation, certainly, but a very cold reception.

What does malice do upon this? One would naturally suppose here was an opportunity for malice to exercise itself, ^{Forbearance of Mr. Hastings.}

Butler the
nature of
the demand
is, I think,
what
will.

Terms of the
will's de-
claration of
Chey's
intention.

His sup-
position in
the demand.

first letter upon the subject of Mr. Hastings the letter to the Board, he puts the subject, he puts the that could be. Chey name of Sheik Ali. I suppose that Chey S. He had been long in business there; and, inferences from this I had a mind to try what would do, to explain to to comply, in his master's

There is an account Evidence of what acts Chey explains to him the from Sheik Ali Nuck terms of it, extremely

Having called upon S. explanation of his master's following answer from the tion; namely, that his master the commands of the Board to the Company, and that acquiescence in the requisitions of sepoy, for the

Now, there is a more terms of it, and to the authorised him to declare of a subsidy, equal to

the expense. Upon this the amount is calculated, and it is turned out to be four lacs 76,000 rupees; exclusive of tents, arms, and contingent charges. That was the computation made by the military officers; and, adding those other articles, made the amount five lacs.

When this is stated to the wakil, he says—"Five lacs is too much. I cannot give five lacs; I will give three lacs;" and there does he stand haggling whether it should not be three lacs. That is all he will come up to. Says Mr. Hastings—"The amount is settled to be five, how can I take three?" "Then if you will not do that," says he, "I will only agree for one year, and I have no authority beyond that." Mr. Hastings having put down in writing the answer of the wakil, in order to preclude any possible doubt what his sentiments were upon the subject, having notified to him the whole of it, and shown him the minute he meant to lay before the Board, in order that the wakil might understand it, viz. :—

"The vakeel contended much for fixing the sum of the subsidy at three lacs of rupees. [The Governor told him it could not be less than five, and received his consent, in his master's name, and in virtue of the authority which he derived from the Rajah, to the payment of that sum for one year], his authority extending no further."

My Lords, this being the state of things—the Raja's own letter being cold and evasive, and the wakil, when it was notified that it was to be during the war, having himself acceded to the principle, yet wishing to narrow and restrain it to a single year, if that sum was required that was absolutely necessary—under these circumstances, Mr. Hastings proposes this—

"The Governor General is of opinion that, as the Rajah's consent has been expressed with such a limitation, alluded to in his written answer, that the payment of the subsidy ought not to be left subject to the contingencies which the course of the year may produce, but immediately demanded."—"On these grounds, he moves that the subsidy to be paid by Rajah Cheit Sing, for the maintenance of three battalions of sepoys during the course of the war, be fixed at the annual sum of five lacs of Muchlidar rupees, and that he be immediately required to pay that sum into the hands of the Resident, Mr. Thomas Raham."

1 MAR. 1793.
demand to a sum of five lacs.

Answer of the wakil.
Endeavour to reduce the amount.

Motion of Mr. Hastings for insisting on the demand.

Your Lordships observe, that is throwing out the restriction of its being for a single year, and inserting that it was to be during the war, and to be a demand of the immediate payment of the whole.

1 MAR. 1790.

Upon this, Mr. Francis gives in this short minute—

Agreement
of
Mr. Francis.

"I acquiesce; though, in my opinion, it would answer as well to ex-
and be less distressing to the Rajah, if the subsidy were added in equal
proportions to the monthly kists of the tribute."

Proposal for
payments in
instalments.

Less distressing to the Raja to break it into instalments!
Less distressing to this man who had all this wealth!
Where this idea of distressing the Raja was got, it is very
difficult for me to say. I can find no trace of it any where.
The wakil did not suggest it. Cheyt Sing did not say a
word about it. Why, it was known all over Hindustan that
Cheyt Sing was a very wealthy man. Just before, in the
year 1775, the minister at Oude said that the country pro-
duced fifty lacs; and the idea prevalent at Calcutta was,
that it produced above seventy. Where was this idea of
distress got, that it should be necessary to break it into
instalments?

Cheyt Sing's
wealth.

Proceedings
of the Board
watched by
Cheyt Sing.

The first trace of the Raja's distress that I can find say
where in the records upon the subject is upon the 17th of
August, 1778. Your Lordships will find it extremely
material to attend to this circumstance. Cheyt Sing was
watching what passed at the Council Board, and had his
wakil there to communicate to him all that passed; and by
some means or other what did pass there actually transpired.
Indeed it was always the case: whatever passes at the Board
will, without any misconduct of any body, get out and be
known. It is the business of the wakils there to watch
and find out, if they can—and they do find out some way
or other—what passes at the Board. Your Lordships will
see that, in the very next letter that comes from the Raja, he
takes up this very idea and this very proposition, in the
terms that had been thrown out by Mr. Francis, on the 17th
of August, 1778.

His adop-
tion of
Mr. Francis's
suggestion.

Inconsis-
tency of
Mr. Francis.

My Lords, I would observe that we have here the concur-
rence of Mr. Francis to the propriety of this demand, and
yet doubting not only upon the right, but doubting also
upon the ability of the Raja to comply with it; and, conse-
quently, I should think it fair to argue, that, if you are to
infer malice in Mr. Hastings, who had no doubt upon either
point, it is a much fairer inference of malice in him to do so,
doubting of both the right to demand and the ability to pre-
form. I impute malice to neither. I am sure there was
not malice in either, but that they both acted from a sense

12 duty and a conviction of the propriety of making the 1 MAR. 1792.
 and; the one not doubting upon either point, and the
 13 er, notwithstanding those doubts, thinking it his duty to
 14 quiesce in both these propositions.

15 My Lords, we have here, then, two unanimous resolutions
 16 the Board, under the circumstances that I have stated,
 17 ginally to the requisition; and now to the commutation
 18 it into a sum of money. It has also the additional sanc- Cheyt Sing's
 19 m, such as it is, if it required any, to the extent of a assent to the
 20 gle year: it was the intention of the Raja to comply demand.
 21 ish it, if the wakil was to be considered as speaking the
 22 guage of his master. He had expressed in the strongest
 23 rms his readiness to pay obedience to the commands of the
 24 ard, and to afford every proof of attachment to the Com-
 25 any. There are his professions; let us now come to proof—
 26 hether these professions were complied with and actually
 27 rried into execution or not.

28 The next account we have of it is in a complaint from the
 29 resident of the conduct of Cheyt Sing, in a letter dated the
 30 4th of September, 1778, that is communicated to the Board. Complaint
 31 t is in the printed Evidence, page 74; but, as it was not by the Resi-
 32 nd, your Lordships will permit me to read it, as it seems dent of his
 33 me to be very material:— evasion of the pay-
 34 ment.

35 “ Letter from Mr. Graham, Resident at Benares:—‘ I think it neces-
 36 sary to inform you, that, notwithstanding seventeen days are elapsed
 37 nce your orders arrived here, directing the Rajah to pay into my hands
 38 as subsidy he had agreed to pay, of five lacks of Mucklidar rupees, he
 39 as not yet paid me one rupee; and offers, as a reason, his inability to
 40 discharge the whole at once, and requests me to receive it by monthly
 41 ayments, your Honorable Board's orders authorizing nothing of the
 42 ind. I have acquainted him that it is impossible for me to come into
 43 is request, and have repeated my requisition, which I have indeed been
 44 sging every day since the receipt of your orders, to pay me the whole
 45 amount as speedily as possible.’ ”

46 There, my Lords, is attachment! The order is commu-
 47 nicated in every possible way in which it can come recom-
 48 mended, by every tie upon the Raja to obey it—by the
 49 Board—by letters—by the Resident in person: applica-
 50 tion day after day for the payment of the demand, which his
 51 own wakil had just before expressed his full approbation of
 52 to the extent of a year. When the very first demand is
 53 made of him for the immediate payment, here is the com-
 54 plaint of the Resident that—“ though I have been dunning
 55 his man; have been calling upon him, day after day, for
 56 seventeen days together, he has not to this day paid me one

necessarily see in
of Cheyt Sing, and
person was for him
to make for nonpa
started in Council t
that idea immediate
terms of it, the p
Mr. Francis.

Mr. Francis's word

"That it would be les
added in equal proportion

Cheynt Sing's words

"[Although I have no a
under, from the time of the
the Nabob Vizier's authorit
Excellency, yet, solely with a
prove my fidelity, having no
will make good the aforesaid

Rejection of
the being
recommended
by
Mr. Francis

Now, how could this
two persons? How cou
ing poverty, when it wa
truth?—and how should I
it by monthly instalmen
tribute? And yet we see
it could get to Benares, i
he rests upon that, as an c
orders of the Board.

I hope it will not be u
am now stating, that I do in
insinuate, in the most remu
inicated to him by the go
he induced him to do unest
insure him.

I may in the moment of recent disappointment have been misled by my mind to catch such a suspicion, yet"—says he, "with a generosity that belongs to his character—" I do not hesitate to acquit him of it." It would ill become me, as an advocate, not at the same time to obviate every possible suspicion that I could have any idea that it was communicated to Cheyt Sing by that gentleman, or that he put it into his head: all I mean to contend is, that Cheyt Sing must have known of it. It is probable he did know of it; and the debates in Council would be known to his wakil, and so would be communicated to Cheyt Sing; and that he, so was looking out for every excuse or plea, would take up that plea, act upon it, and protect himself by it.

Mr. Francis himself afterwards was perfectly satisfied of the futility of it, both upon the point of right and upon this man's ability; and, with the candour that became him, in the next year acted in both respects, as I shall show your Lordships, directly concurring with Mr. Hastings in respect to Cheyt Sing, both in demanding and enforcing that demand, and likewise expressing his strong disapprobation of the conduct of Cheyt Sing respecting it.

Subsequent conviction of Mr. Francis of the futility of the plan.

My Lords, we have heard it said that Cheyt Sing was to be considered only in the light of a man not punctually paying his rent; that a short delay in it was only to be considered in the same light, and deserving no other punishment than paying the interest, or what had been the actual loss sustained by a temporary delay. I cannot think that that is a fair statement; and I cannot but observe the very different manner in which the conduct of Cheyt Sing is treated and the conduct of Mr. Hastings. It is malice in Mr. Hastings to make a demand; but inferences are drawn with respect to the resistance to that demand or noncompliance with it, so that it is softened into a mere nonpayment of rent. Now can it fairly or properly be so considered? Is the nonpayment of a debt? Is it not the nonperformance of a duty—a duty of the highest nature—a duty of obedience to the state? If there was no gratitude due, yet here was an original obligation of tenure; here was a positive order of the Board which he was bound to obey, as much as any man in this country is bound to obey an act of the Legislature. Were we seriously to argue that a zamindar in that country, whose conduct is considerable or not, is to resist the authority of the state, and are we then to be told—"Oh, it is only to be

Chey Sing's conduct not merely unpunctuality in paying rent.

An act of disobedience.

reason, be
few foreigners over
only, as it has well
and, therefore, resist
proaching so near to
such a subject—call
in the breaking out
you have exhausted re
ance and disobedience
be considered as a very
guilty of it, and it be
not well affected to the

What is done in cons
Sing? The debate upon
75th pages of your Lord
received from Cheyt Sing
state it to your Lordships

Letter of
Cheyt Sing.

- I have been honoured wi
would, as a subject of the Com
five lacs. Although I have n
experience I have laboured under, f
Right till the expiration of the N
known to God and your Excellen
pliance with your orders and to
pledged everything belonging to
in instalments in six or seven mont

Proposal of
deferring
payment.

So that, in order to show
demand of immediate payment
will comply with it in six o
Lordships will observe that thi
September, when two
to show

of my effects and raising the money, I hope from your kindness 1 MAR. 1792.
 the officers of government may take from me in different payments
 id sum in Sonant specie, as I shall not be able to procure this sum
 schledar rupees; and that you will be graciously pleased to affix
 signature to my requests, that I may apply myself with satisfaction
 assiduity to the] business of the sircar."*

ow, my Lords, he is quite insolvent. He is selling his
 se; even his very necessities he is obliged to propose to
 for the purpose of satisfying this demand. Upon this
 Governor General says,—

The substance of this letter and the requisition made by the Rajah Observa-
tion by
Mr. Hast-
ings.
 r. Graham differs so much from the cheerful and ready acquiescence
 the Rajah's vakeel made in his master's name to the demand
 on him for this subsidy, that I think it necessary, [for my own
 fication, to call upon the secretary to certify the accuracy of my
 ate, delivered on the 17th of August, containing the assent expressed
 the vakeel, in his master's name, to the payment of the subsidy.—'The
 tary acquaints the Board that the Governor-General delivered to
 the minute above mentioned previous to his laying it before the
 ard, with orders to explain the contents of it to the Rajah's vakeel,
 it might correspond with the acquiescence which he had delivered.
 accordingly, communicated the minute to the vakeel, and received
 him a confirmation of] the terms therein expressed."

Mr. Hastings then moves—and here is the first motion His motion
insisting on
the pay-
ment.
 th respect to Cheyt Sing, for enforcing obedience to the
 ders of the Board,—

"The Governor General moves, that orders be written immediately to
 r. Graham that he do, on receipt of this, demand of the Rajah in
 reason the payment of the entire sum of five lacks of rupees in the space
 five days, and declare to him, in the name of this Board, that his
 fiscal or neglect to compleat the payment within that time shall be
 deemed equivalent to an absolute refusal; and that he be forbidden, in
 at case, to hold any further intercourse with the Rajah until he shall
 be advised us of the particulars of the Rajah's conduct in this instance,
 and received our orders in consequence."

That is all that Mr. Hastings proposes. Could anybody Moderation
of measures
for inducing
obedience.
 propose less than this—that the demand should be made of
 he Raja in person again—that demand that had been so
 often resisted; that he should give him five days to pay it
 a? What was he to do then? Why, declare to him that
 is refusal or neglect to complete it within that time should
 e deemed equivalent to an absolute refusal. Could his
 neglect under such circumstances be considered otherwise
 than a refusal? What was the Resident ordered in such
 case to do? He was forbid to hold any further intercourse

Opposition
to the
wakil.

Grounds of
opposition.

Source of an
authority to
the wakil.

Mr. Hastings propose
way of demanding ;
any sense of duty, it
comply with the order
opposed ! Your Lord
opposed.

The first ground
which had never been
sition was made—a de
the wakil. Now it is
such a doubt should be
constantly been there
business ; and it seem
bale that the wakil w
authority, have taken ;
actually did ; that he w
had done, and as Mr. I

“ I will recollect that the
in terms the most peremptor
by an oath or his own life p

And then he goes on
It is very improbable,
would of his own accord
subject him to be dism
an impostor by the Bo
authority it would have

Mr. Francis says—
Mr. Hastings' immediate
me a fair observation up

but, in truth, it appears there was no doubt upon that point. Though a doubt was entertained at the time by Francis, yet it turns out afterwards, as I think your Lordships will easily perceive, that the doubt respecting the authority of the wakil was not well founded; because, if your Lordships will be pleased to refer to the 78th page of the Minutes, you will find that this person, whose authority was doubted of, Sheik Ali Nucki, is the very man by whom Cheyt Sing ultimately remits the payment of this very sum of money.

1 MAR. 1793
The authority of the wakil shown by his acting as the medium for payment.

The Secretary lays before the Board the following note from the Governor-General:—

[Sir,—I herewith send you four bills of exchange, this instant forwarded to me by Sheikh Ally Nuckee, the vakeel of] Rajah Cheit Sing:—

I also find that this same person is, in page 89, referred to as Cheyt Sing as his authorised agent; for he says, in a letter that was received from him upon the 27th of August, 1779,—

Recognised by Cheyt Sing as his authorised agent.

Last year you directed Sheik Ally Nuckee that I should by any means, by disposing of my effects, or by borrowing, make this one payment."

It shows, therefore, that he is referring to a communication through the medium of this very person in the last year—in the year 1778—the very time when his authority was doubted; and, to complete it, I find this same person is named in Cheyt Sing's own defence, in page 116. He says—"After the arrival of Sheik Ali Nuckee I observe all the orders which you sent." My Lords, I think it, therefore, perfectly clear that, notwithstanding there was a doubt entertained upon the authority of Sheik Ali Nucki at the time, yet that that doubt was never suggested by Cheyt Sing himself in any part of his letter; and there does appear to be a sufficient confirmation of authority to exclude any doubt that the man acted with his authority upon the present occasion.

Another doubt entertained was—what is pointed out, I observe, in the Minutes—that one of the Council dissented materially upon the question of right. It certainly is very true that, upon this occasion, on the 28th of September, 1778, Mr. Francis did, for the first time, in his minute, discuss the question, and state his reasons for the doubt he had originally entertained—it is in page 76—but he at the

Mr. Francis's dissent on the question of right:

I shall not go into the question of right upon the question of right, any that those arguments at a subsequent period; time; but they were not the year 1780, or even the question came before the which was the next time Mr. Francis to make any year nor upon the subsequent have no necessity to enter already discussed it, and himself did not act upon

Mr. Francis's objection of the inability of the State.

Another idea upon which Mr. Francis in this mind disability of the Raja; for Raja must pay the money why we should insist upon do not want it, and it may to part with such a sum at

What induced Mr. Frazer to take this subject were those persons who appeared ultimately that the question of right, which was abandoned; a doubt upon the authority was afterwards established of the Raja, which was beyond a doubt.

I, therefore, think I am

dearly Mr. Hastings' conviction that he had ability to pay ^{1 MAR. 1792.} the demand; and in that conviction he was well founded. ^{ability to pay.}

My Lords, I have only one other observation to make upon the minute of Mr. Francis. I shall do it by reading a passage which seems to me to show the great importance, in the opinion of Mr. Francis himself, of unanimity in the measures of the Board, particularly as applied to Cheyt Sing; and that, when they were not unanimous, it did not carry the same weight and authority to that person; and so to show that Mr. Francis had the same idea, which, indeed, everybody else had, that, by some means or other, what actually passed at the Board did transpire and did operate upon the conduct of the Raja—

My opinion is, therefore, that the liquidation of the present extra demand upon him shall be settled by kistbundy; and that he shall be treated at the same time that this Board will not make any further demands upon him. Under such a settlement, unanimously agreed to, it is not likely that the Rajah will delay or evade the due and regular liquidation of it, from any hopes he may conceive of future relief by a change in this government."

Why should it have that effect, "unanimously agreed?" the Raja was not to know whether it passed unanimously or not, how could the circumstance of unanimity operate at all to give further weight to it, or prevent the Raja from evading and delaying to comply with it, and entertaining hopes from a change in the government? It seems to me, therefore, perfectly clear that unanimity was of importance; that it did operate powerfully upon the mind of Cheyt Sing; and then, from any circumstances of his own honest conviction, a gentleman at the Board found himself under the necessity of opposing it, yet that it was attended with that unfortunate consequence—that it became known to the Raja, and did induce him to delay or evade a due and regular obedience to the measure.

My Lords, I find Mr. Wheler, upon this occasion, says—

"I am for the question, but I am further of opinion that it should be left to Mr. Graham to determine whether to enforce payment [of the sum required of the Rajah for the present exigencies of the government by its payment, or whether to receive it by different instalments, not extending three months from the first payment to the completion of the whole.] ^{Mr. Wheler's opinion.}

Mr. Barwell.—"The facts that have been related to the Board by the Governor General, speak the absolute necessity of the motion that has been agitated. In these sentiments it is incumbent on me to support it; and I think that, in order to its full efficacy, the Governor General should

to him that his nonpay-
be considered as a refusal.

Upon that a letter is
page 77 :—

Trans letter
to the Board
1861.

"We cannot consent to
allowed to pay the amount
war for one year by month
by the Governor General so
therefore confirm those orders
on the Rajah forthwith, and
payment of the full sum of :
which the subsidy is fixed, i
within five days of such des
government that his credit
thereof within that space]
refusal; and that he be forb
course with the Rajah, until
the Rajah's conduct in this
consequence."

Letter from
Mr. Hast-
ings to
Chow Sing.

At the same time M
Sing; and your Lordet
this indicates any dispos
provoke him to violence
desire on the part of M
possible, and to win him
the Board. The letter
28th of September :—

"I have been favoured wit
requisition made to you by t
pany, to bear a part of the
with your ready compliance.
your interest is equally conce
it. The expence of keeping

consequence of these orders, I have called upon the Rajah for the 1 MAY. 1778.
 nt of five lacks of rupees, which I shall accordingly receive and —

e next is a letter from Mr. Graham to the Governor Letter from
Mr. Graham
to the
Council re-
porting a
payment by
Cheyt Sing,
22 Sept. 1778.
 ral and Council, dated the 22d of September, 1778.
 gh subsequent in point of date to the consultation, yet
 Lordships perceive it is a letter that was not before the
 l when they formed the resolution that I have just
 and, therefore, I thought it fairer not to state that
 hint which was not before the Board when the orders
 made, which were proposed by Mr. Hastings. It is a
 from Mr. Graham to the Governor General and Coun-
 which he states the actual payment, but it is only, I
 , of one tenth of the whole,—

have the pleasure to acquaint your honourable Board that last
 the Rajah made me a payment of fifty thousand rupees, in part
 subsidy of five lacks. He has promised to send me as much
 o-morrow or next day."

e next is a letter upon the 7th of October, 1778; in Second
letter from
Mr. Graham.
 , after referring to that letter, and stating that he was
 sed a further payment, he says,—

at period and three days more having elapsed without hearing
 ng [either from the Rajah or his servants, regarding the promised
 nt of fifty thousand rupees, I judged it necessary to remind the
 thereof by letter, as well as to recommend to him a speedy dis-
 of the remainder. This mode of application having several times
 ed unsuccessfully, I deemed a personal interview, not only indis-
 able, but highly consistent with my duty, on which occasion I
 ly demanded of him, in the name of the Company, payment of the
 e of the subsidy; in reply to which he acquainted me, that he
 pay no more here, but would send the whole remaining sum of
 , 4,50,000, to his vakeel at Calcutta, who would pay it there.
 ig him determined in this resolution, I desired he would furnish
 th some testimony thereof, either by an address to your honourable
 , or, as it is more customary, to the Governor General, that I might
 nit it to him; but this he positively refused me. [These circum-
 s I have thought it my duty to inform you of, that you] may
 r me with your commands."*

y Lords, the order was originally that he was to pay it
 se Resident, and, therefore, the Resident naturally
 ed of Cheyt Sing that, as he positively refused to pay it
 im, but promised to make the payment at Calcutta,
 ould furnish him with that sort of authority that should
 se him upon this subject. But that he positively re-
 l. It appears by the consultation that I have stated to

* Printed in the "Minutes of the Evidence," p. 1504."

Resident
proposed
by his High
ness the
Maharaja.

No unne-
cessary stop
taken to
obtain pay-
ment of the
demand.

was at Calcutta, tells
in the most urgent
request him not to
ground to neglect to
must obey them instan-
energy to Cheyr Sir
Mr. Hastings says, the
upon the 12th of Sept
application made by t
him he was not to hop
that he was not to act
the effect, for at length
payment of the remain
appears from the print
diately despatch a m
doing anything under
write this letter upon t

" Sir,—The Rajah Chrit S
of exchange to us for the su
which, with the amount paid
of five lacs required as his
France, for the present year,
the execution of the orders.

Your Lordships see, t
than what was absolut
comply with the order
that he does comply wit
Resident, to tell him to
call upon him and to r
stated. I, therefore, h

bly avoid. Immediately upon this, Mr. Hastings writes a letter to Cheyt Sing, dated the 11th of October, 1778, in which he says,—

1 MAR. 1792.
Letter from
Mr. Hastings to
Cheyt Sing.
11 Oct. 1778.

“ I have received your letter, containing assurances of your fidelity and attachment. I am pleased at the intimation of your assent to my desire respecting the mode of payment of the aforesaid sum, although it arrived somewhat late.”

That was all the censure that was passed upon him in the first year. It was the gentlest hint to him that could be given,—

And I doubt not but you will faithfully discharge your promise, by making the remittance to Calcutta at the specified time. Whilst you continue faithful and zealously attached to the Company, you may be assured that every measure will be adopted which will promote your interest and prosperity.”

Immediately afterwards, in order to encourage the Raja, notwithstanding his conduct during this year had been such as I have represented it, yet to encourage him to obey with more fidelity in the subsequent year, the customary honours were bestowed upon him, in the way most acceptable to himself. That appears by a letter written by the Resident upon the 9th of November, 1778 :—

Customary
honours
bestowed on
Cheyt Sing.

“ Rajah Cheit Sing having pitched upon this day as a lucky one to receive the honor of the khelaut, I accordingly invested him with one in the usual form, and delivered to him at the same time your honourable board's release for his last year's tribute. I did not fail upon this occasion to remind him how much a continuation of such marks of your favor depended upon a regular adherence to his engagements with the company.”

Here is the treatment Cheyt Sing receives the very moment he complies. A conciliatory letter is written to him, and the customary honours bestowed upon him, without anything more done than to exhort him to further future obedience, telling him that upon that would depend the further countenance and favour of the Company. I desire to know, having gone through the business of the first year, whether there is, in any part of it, anything to be discovered like a trace of that bad and malignant mind—endeavouring to ruin this man or to force him into some act that might afford a pretence for violence against him?

Absence of
evidence of
malignity in
the treatment
of
Cheyt Sing.

The next measure with which Mr. Hastings is charged is,—

“ That he did further, in the month of July, 1779, extort a like sum of five lacks of rupees from the said Rajah Cheit Sing, under similar or such like pretences, and did compel the payment of the sum by means

Charge of
extortion of
five lacks in
1779

been de-
clared.

he had no authentic intel-
pretence, on the 19th of
received an actual account of
similar and such like pret
though there is an actual
 Lords, this extortion of the
19th of July, 1779, and the
printed Evidence, page 87
of the preceding year he
had expressed his doubts and
arguments that have been
induce him to think there
Now we come to a renewal
I trust your Lordships will
observation, that, in the
India, it is extremely mis-
to retract it upon the dis-
concerns. It is certainly
the passing of an order, yet
subject; but a deliberation
too late, and is mischievous
but when you have resolv-
dience to it. Here we come
to consider whether it would
demand upon Cheyt Sing:

Danger of
reversing
orders.

Consulta-
tion, 19th
July, 1779.
Mr. Had-
ings' pro-

" At a Council—present, W.
Francis, Edward Wheeler, Lieut.
persons present—the Governor &
—“ It having been resolved in sen-
that Raish Cheit Sing should be

This, your Lordships see, comes under different circumstances from the proposal of the last year; because the consent of the Raja by his wakil, such as it was, operated upon the last year, if it had any operation at all, but did not operate upon the present, for here was no consent, but a proposal to demand of him the sum for the second year of the war. What is the consequence? Four members of the Council being present, they agreed to the Governor General's proposal, without a single syllable of doubt, debate or hesitation. There was no question either upon the right or upon the ability of Cheyt Sing, nor a single word of objection made to the making this demand. In the first year, the proposal might come by surprise upon them, without having previously considered it; but, having in the course of that year considered it, and now being called upon—"have you any objection to the demand? We are not yet committed in making the demand upon him. Now is the time to discuss. Have you any objection to it?" Not a word of objection! That is upon the 19th of July, 1779, and that is ordered to be communicated; and it is communicated, in a letter written to the Resident upon the occasion, stating the necessity for it:—

1 MAR. 1792.
Cheyt Sing's consent not required.

Concurrence of the Council in the demand.

"That the period of one year being expired, and the war still continuing, we find it necessary to maintain the same force, and to require that the Rajah should be at his share of the expence. You will, therefore, at this time, demand from him payment of the above sum, as his proportion of the charge for the current year."

Letter to the Resident.

"Agreed, that the Governor General be requested to write to Cheyt Sing, acquainting him that the period of one year for which [he agreed to pay five lacks of Muchlidar rupees, as his share of the burden of the war with France, on the 17th of August, 1778, is expired; and, as the continuation of the war makes it still necessary to maintain the same establishment of troops for the defence of the country, the Board deem it requisite he should at this time contribute a further sum of five lacks of Muchlidar rupees, as his share of the charge for the current year."]

In compliance with this resolution of the Board, Mr. Hastings writes to Cheyt Sing upon the 21st of July, 1779:—

Letter from Mr. Hastings to Cheyt Sing, 21 July, 1779, demanding payment of five lacks.

"Your engagement for the payment of an annual subsidy for your share of the expence of the war being expired, and the war still continuing and the same force being necessary to be kept up, I am, therefore, to desire that you will pay to Mr. Thomas Graham a further sum of five lacks of Muchlidar rupees, as your proportion for the present year. Mr. Graham has, accordingly, orders to receive it from you, and it is necessary that you do not delay to pay it to him."

Now, this is the second year of putting to the proof the fidelity of the Raja. His disobedience in the first had been

Letter from
the Board
dated, 17th
May 1778
in Aug. 1778.

July. I believe in 4
days in going from
quite so long. The
Resident was dated t
printed Evidence, I
that to be again a
Cheyt Sing—

"Immediately on the
the 19th ultimo [directing
of the sum of five lacks
of the burden of the pre
at the same time that I
Board to him myself, I d
in confirmation thereof.
the ability to discharge th
he gave me when I demas
I did not consider it as a
newing my demand every
to the terms of his first
change in his sentiments,
applying for your honour

His refusal
to pay.

Here, my Lords, tl
pay [refusing to do s
inability, in the seco
every application mad
General, by the Res
after day, refuse pay
Here is a complaint n
applies for the Boar
reduced to the neeces
Board's further instr
to give him some inst

Now an absolute necessity for having recourse to some compulsory means to oblige this man to obey, who will not obey by fair means? A letter is received from Cheyt Sing which is a most extraordinary one, considering the known situation of this man. Your Lordships will find it in the printed evidence, page 89 :—

1 MAR. 1792.

Letter of
Cheyt Sing.

"My situation is well known to you, and I assure you without reserve that I have no ability left, nor is there any mode of relief for me but in the exertion of your favours. I am truly convinced that it is your desire, who are my masters, to support me your servant, and last year you directed Sheikh Ali Nuckee that I should by any means—by disposing of my effects or by borrowing—make this one payment and I should not be called on in future; and that you would take every means for my advantage and support."

Because Sheik Ali Nucki would not comply generally for the whole war, but wanted to limit it to a single year, Mr. Hastings proposed, on that very account, that the orders of the Board should be couched in terms excluding that idea—that it should be for the whole war; and yet this man quotes Mr. Hastings as having said to Sheik Ali Nucki that he should only be called on for that one year, and not be called upon afterwards, which was directly contrary to the fact; as it appears in evidence, Mr. Hastings, for that very purpose, excluded the idea. He speaks of disposing of his effects or borrowing to make up the sum. Why, Mr. Hastings never had the least idea but that he was able to pay it. He declared that he had ability to pay this sum or even ten times the amount; no man could doubt it. Then is it probable Mr. Hastings should have stated that he was by borrowing to raise the money? He goes on—

Mis-statement respecting promise of Mr. Hastings to limit the demand to the first year.

"I accordingly put in practice [every method in my power, and by loans make good the requisition]. It is now absolutely out of my power to raise the sum required, and I am, therefore, hopeful that you will be kindly pleased to excuse me the five lacks now demanded."

Your Lordships will now attend to what follows, recollecting that, at the last consultation antecedent to this, namely, upon the 28th of September, 1778, there had been an intimation from the gentleman whom I have named that we had no right to call upon Cheyt Sing, beyond what was stated in the sanad or the patta. He had stated that to be his opinion. Antecedent to that period, there had not been the smallest doubt suggested by Cheyt Sing of the right. The very next letter that comes from Cheyt Sing upon the subject takes up that very precise idea, and he desires to be

His claim of right of exemption.

the English Company. [Th
are the gifts of your Highness
to you my inability and] help

Suggested to
him by the
Government
in the
Council.

Now is not this very st
in Council did transpire a
Cheyt Sing, when I show
gested in Council are the
Sing and introduced into
first time, the idea of imab
doubts had been expresse
question of right is taken
follows the debate upon th
fore, was, as Mr. Francis
ance that there should be
respected Cheyt Sing.

Proposal of
Mr. Hatt-
ings to
threaten the
Raja with
troops.

Upon this occasion Mr.

"I move that the Commande
the march of two battalions of
army, (excepting the first and t
quisition of Mr. Graham, and t
the Board. That the whole exp
its march be exacted from the R
communicated to him by the G
be ordered to inform the Rajah c
required; and, in case of his refu
to give immediate notice to the
that he may march accordingly."

That is the measure; t
as it is stated here in the A

"and did compel the payment
force, and did also extort the sum

required." It was, therefore, intended to proceed in this manner—to repeat the demand; to notify to him what were to be the consequences if he did not comply; to give him an opportunity, therefore, of preventing those consequences by compliance; and it was only in the event of his refusal or non-compliance that the troops were to be sent for. MAR. 1792.

Your Lordships see that here, when Mr. Hastings does propose to have recourse to any compulsory method, he does not propose to employ a military force—the only compulsory method that could be adopted, or that is practised in that country, as your Lordships well know, for all the revenue of the country is collected by a military force—till every measure had been tried, namely, a repetition of the demand, and apprising Cheyt Sing of what was to be the consequence of his non-compliance, and that he would have to pay the expense of the military. Could anything more have been done than this? He had every opportunity given him of preventing the necessity of having recourse to force. This is opposed. The persons present at this consultation were the same as I stated at the last, with the addition of Sir Eyre Coote. This appears to be the first time the subject had come before him. He had arrived a few months before, and here he is present at this debate upon this subject; and your Lordships observe that the measure respected something to be carried into execution by him, for Mr. Hastings' motion was, that the Commander-in-Chief be desired to issue an order for the march of two battalions of sepoy from the nearest station of the army.

Consultation of the Council.

Sir Eyre Coote agrees to the motion.

Mr. Wheeler—"I am against it."

Mr. Francis—"I never approved of the additional demand beyond his stipulated tribute." Objection by Mr. Francis.

"You never approved of it! Why, you voted for it upon the 19th of July, without objection. Did you then vote for what you did not approve, because you state here—'I never approved of the additional demand?' Then why do you vote for it without objection? Were you not bound, if you did not approve of it, to state why you did not approve of it, and to state it at the time when the measure was under consideration, to prevent the Board's doing what ought not to be done? This is the time to make objections; not to make objections when the order is attempted to be

rather action
generally
taken by the
troops of
Europe.

whether the opinion
purpose was well for
the event: for I will
was so far from being
necessary; that they
upon him was not such
accord, found himself
troops; and that she
obliged to renew their
march with the troops
done, the Raja never
opinion, therefore, of it
founded opinion:—

"And I am very much
quarrel raimons to the Raja
one of the richest jewels we p
that country may be permanent
treatment.] Measures of a d
must, but they will ruin the fu

Mr. Barwell observes, I
says—

"It rests with the Raja himse
of the war voluntarily, or to be co

Mr. Hastings says—

"Benares is not a jewel in our
option to obey or disobey orders
maintain himself in the independen
run pretended from this order, the
his power to prevent even the exec
not upon this occasion say."

It seems

of the Resident upon that occasion is, I believe, not in the evidence. It is dated the 19th of September, 1779. He states his having last night received their order, and also received the honourable Governor General's order to the Raja on the subject, which he had sent to him, with a letter from himself, requiring his immediate compliance with the orders contained therein; and he mentions to hope that he should not be compelled to have recourse to the discretionary power lodged in him, to compel payment. I am afraid I have mislaid that letter from Mr. Hastings, which is a material one, urging the Raja in the strongest terms to comply with the order of the Board and to pay this sum, without their being any necessity for having recourse to this order.*

1 MAR. 1779.
Letter of the Resident to Cheyt Sing on receiving the order.

Letter of Mr. Hastings to Cheyt Sing.

Your Lordships observe that the order is communicated to the Raja upon the 9th of September, 1779. Upon the 23rd Mr. Graham writes to the Board,—

“I have this day received an answer from Rajah Cheit Sing to the order which I informed your honourable Board I had written to him on the 10th, requiring his compliance with your orders, wherein he sends me an answer to the Governor General's letter, which I have transmitted to him, and acquaints me with his having consented to the payment of the five lacks of rupees. As, however, he still holds forth his original plea of inability, I have every reason to apprehend he will be very dilatory in his payment. I beg, therefore, to be favoured with your honourable Board's orders as to the conduct which in such case I must observe towards him.

Letter of the Resident to the Board, 12 Sept. 1779.

My Lords, the effect, therefore, of the orders was to produce a promise of payment, but nothing more, and under circumstances that induced the Resident to apprehend that he would be very dilatory in his compliance with the orders; so much as to induce him to apply to the Board to know what in that case he was to do. It seems to me that the Resident need not have applied for further orders, because he was expressly told, if the Raja, upon being informed what was to be the consequence of nonpayment, did not immediately pay the money, he was vested with a discretionary order to send for the troops to compel payment.

Chey Sing's promise of compliance.

Mr. Graham writes, upon the 16th of September, 1779—

“Although four complete days are now elapsed since I had the honour of informing you of the Rajah's having consented to the payment of five lacks of rupees, and although I sent him a suitable reply to the letter he

Letter of the Resident, 18 Sept. 1779.

* See the letter recited in the following page.

Here, then, my I
more with this person
to pay. I believe I
Hastings which is date

Letter of
Mr. Hastings
to the Board,
1 Sept. 1779.

"I have received your le
quiring your payment of five
years of the expenses of the w
and pretended plea of inabil
you owe to the Company.
the receipt of this, without ex
into the hands of Mr. Thomas
you, and authority, in case of
of sepoys, under the circumst
sures may be taken to oblige y
whole expense of this corps I
you,"†

Here was an intimation
consequence, as well by an
letter from the Governor
more to prevent having rec
Mr. Graham writes, upon

Letter of the
Resident to
the Board,
17 Sept. 1779.

"I had the honor to address yo
able Board of the steps I had taken
lacks of rupees from Rajah Chy
from him, of which I beg leave t
following translate :

"The situation of my affairs [I
repeatedly represented the particular
account, a proportion of the expen
injunctions of the Honourable Engl
agreed to pay, neither am I dilatory
discharge; but the amount is
degrees."

men incessant applications, inconveniences are occasioned to the pro- 1 MAR. 1792.
cess, and my endeavours are interrupted from your indulgence]. I
discharge the amount in manner above specified."*

So that there is a most extraordinary effect of repeating
application. It prevents a compliance with it. "You
me so often for it that I cannot pay you. It is extremely
inconvenient to desire me so often as you do to pay you.
by, I cannot pay you if you do so." And, with all these
pretences of poverty, of his inability, and that it is a large
sum, and so on—all these pretences of evading the payment
it—the Resident desires to have their orders on the
subject of the foregoing letter. The idea of instalments is
rejected by the Resident, and the demand made for the
whole without delay. Cheyt Sing writes to Mr. Graham
on the 25th of September, 1779,—

"I received your letter about the five lacks of rupees, and understand Letter of
its contents. I have before made known to you my distressed situa- Cheyt Sing
—that I have not power to comply; and I have also sent an arzee to the
Resident, in answer to that letter from the Presidency which you delivered to me. 25 Sept. 1779.
I have no power to comply. I discharge the revenue according to the
order. I am hopeful that this order may be revoked."

Then, my Lords, here is a letter from Cheyt Sing to the
Governor General. This is in page 91 of your Lordships'
Minutes,—

"Every two or three days am I called upon to pay five lacks of rupees. Letter of
Your gracious letter on this subject honoured me by its arrival. I have Cheyt Sing
despatched an arzie in answer, which will have been presented to you. to the
Resident, in obedience to your order, I last year, by every means, and borrowing Hastings.
from all quarters, raised that sum, and at that time you promised me it
should not happen again. I have it not in my power at present. You
have before honoured me with the title of son, and regarding me as your
son you have protected me. I am, therefore, hopeful that I may be ex-
cused from this requisition."

There are in the consultations two letters; one from
Raja Cheyt Sing to Mr. Graham, received the 20th of
September, 1779; the other, from the Raja to the Governor
General, inclosed in the foregoing; both written subsequent
to the communication of the order for immediate payment
and a threat of the consequences. On the 25th of September,
1779, Mr. Hastings writes a letter to Raja Cheyt Sing,
which is in the printed Evidence, page 91:—

"I received your letter; from the contents of which, as well as from Letter of
the letter of Mr. Graham, and the copy of a letter which you wrote Mr. Hast-
ings to that gentleman, and which he transmitted for my inspection, it Cheyt Sing.

* Printed in the "Minutes of the Evidence," p. 1510.

to continue—you have no which is well known to be with vague and distant project entirely evade, the payment letter which I lately wrote to this Government neither could a demand; and added that, Mr. Graham was authorised to enforce our orders, if it should have opened your eyes which must, if pursued, bring since even this intimation of I now think it necessary to in- mander-in-Chief to despatch his command to Benares, the accordingly, begin his march meantime, from the actual re- that it is unnecessary for his pleased to observe, that should our wishes, the whole expense march will be required from you

I am persuaded this letter for itself in the mild language of obedience, and apprising of perseverance stated, perhaps, before re- ships observe, is referred had, upon an intimation that cessful, and finding that orders upon the subject, on the 29th of September:—

"Present, Mr. Hastings, Mr. being indisposed." This is not in "As it appears by the last of it

Repetition
of their
orders by
the Board.

his former instructions, giving notice of the day on which he shall move from his present station to Mr. Graham: that the expences of the detachment, from that time until its return, may be charged to the Rajah: and that Major Carnac do continue his route with the two detachments under his command to Benares, unless Mr. Graham, upon the receipt of the subsidy, shall notify to him that there is no necessity for his proceeding. I further move that letters to the same effect be prepared and despatched to Mr. Graham and Rajah Cheyt Sing."* 1 MAR. 1792.

It was, therefore, to be stopped in every stage of the business. If the Resident should have notified that the money was paid, the orders were not to be carried into execution, but the march of the troops was to be stopped. The Governor General's motion was carried, and it was resolved that a letter should be written to the Commander-in-chief and to Mr. Graham upon the subject. There appears to be a mistake in the date, for the letter I read is dated the 25th of September, and prior in point of time, but it must be subsequent to this Consultation, because it seems to refer to it. The letter to the Commander-in-Chief does not seem to me to be material, to trouble your Lordships with it. It is only stating the cause which has induced them to issue that order, and a letter from the Board to Mr. Graham, likewise, to the same effect. There is then a letter from Mr. Graham to the Board, dated the 3d of October, 1779.

"Rajah Cheyt Sing not having yet completed the payment of one lack of rupees, in part of his subsidy of five lacks, notwithstanding, agreeable to his own voluntary proposal, whereof I transmitted to you a translate in my address of the 17th ultimo, he ought twelve days ago to have paid me a lack and 25,000 rupees, I have, believing it to be consistent with your honourable Board's instructions, dated the 26th of August, in order to enforce the payment, this day written to Major Carnac, requiring him to march with the detachment under his command to this place with all convenient expedition."† Letter of the Resident to the Council, 3 Oct. 1779.

Your Lordships see, Mr. Graham had, upon the 3d of October, which was before he could have received the orders which I last read, of his own accord issued orders, finding it to be necessary, for the march of the detachment. Upon the 12th of October there is another letter from Mr. Graham. These letters are not in print— Order for the march of the troops.

"My address to your honourable Board of the 3d instant acquainted you, not only of the Rajah's continuation to procrastinate the payment of the whole subsidy, but of his failures in particular of that proportion Letter of the Resident to the Council, 12 Oct. 1779.

* Printed in the "Minutes of the Evidence," p. 1509.

† Ibid., p. 1511.

...in order to
conduct on the approach of

...of
...

It appears, therefore,
of all these measures
compliance was deemed
to be necessary, when a
situation of the intelligences
with them.

...to
...the
...

My Lords, it appears
obliged to come. No per-
son contemplated for the
moment. They arrived in
it was not till the day before
an additional lot of rups
arrival and after their accom-
plished, Remington, was the
paid. It is, therefore, per-
conduct, did render means
entire obedience to a point
every means had been used
that compulsion. After en-
deavouring importunity to him
failed of success, it was at
should come; and, till they
obedience to the peremptory

...of
...the
...

My Lords, it appears af-
person was now convinced by
conduct. Whatever doubts
his ability, the Comman-

he had been right as to the Raja's ability; that he had
 right as to the necessity of having recourse to means
 compulsion; that he had been right in the opinion he
 formed of the Raja's misconduct upon that occasion.

I will read to your Lordships a letter that was written by
 gentlemen, Mr. Hastings, Mr. Francis and Mr. Wheler,
 to persons who had dissented upon the points that
 stated, in every period of the antecedent transaction,
 these gentlemen when they formed a majority and
 therefore, have written what letter they thought fit
 to their superiors—who were bound to communicate to them
 the true state of the transaction, and of the opinion
 entertained respecting the conduct of Cheyt Sing.
 The letter is dated the 14th of January, 1780. Mr. Barwell
 went to embark for England: I do not know whether
 present, but he does not sign the letter. The letter
 is signed only by Mr. Hastings, Mr. Francis and Mr. Wheler.
 In the printed Evidence, page 90. It is a very short
 and, therefore, with your Lordships' permission, I will
 read it:—

*Their letter
 to the
 Directors,
 14 Jan. 1780*

We thought it necessary and consistent to demand a further con-
 tribution of five lacks of rupees from Rajah Cheit Sing for his part of
 expenses of the war for the current year, being the same sum as he
 expended that end for the last year. The Rajah strongly pleaded
 inability to comply with this demand, and even suffered us to send
 battalions of sepoys from Dinagepore to Benares, to enforce the
 demand, before he would grant it. At length, however, with much
 difficulty, the amount was received from him, added to a penalty of
 rupees for the expences of the two battalions until their arrival at
 Benares. We shall make but this short observation upon the conduct
 of Rajah, that, whether it proceeded from an apprehension of estab-
 lishing a precedent for exceeding the sum of his annual and stipulated
 allowance, or from a sense of independency, it was equally unreasonable
 and ungrateful return for the benefits which he has been allowed to
 receive from the Company's protection.

(Signed)

“ WARREN HASTINGS.
 “ P. FRANCIS.
 “ EDWARD WHELER.”

Lords, I take the liberty, therefore, of concluding,
 that I see upon the minutes and upon the records of
 the Company, what must have been the sentiments of these
 gentlemen. I take their sentiments from what they
 say as to be their sentiments in this letter to their superiors,
 respect to the conduct of Cheyt Sing, and of the neces-
 sity that there was ultimately for compelling obedience in

said force. Under pre-
stand now what is meant
these Articles ; because t
the expense incurred, and
amount to 20,000 rupees,
of that force being actu
duct. That is called, ext
of the expenses of the deta

Third
demand,
in 1780.

The next matter in c
demand in the year 1780
paragraph of the Article.

Terms of the
charge.

²¹ That upon the 22d of Ju
Chait Sing, by similar and other
threats of a fine of 10,000*l.*, the
under the aforesaid and other s
Warren Hastings had, on the 3
about the day before the said re
received from a person named S
Rajah, a present or bribe of two
which was given under a plea of
the said Warren Hastings to b
the said subsidy, but really in
Warren Hastings, to give up the

Here, then, my Lords, we
upon him, aggravated by
And, respecting that sum
not as constituting the
sent from the Raja—for in
up and forms a distinct sepa
and will be considered in th

mean to go into the circumstances attending it—that is, the detachment of Major Camac against Madaji Scindia, in the hope of making the principal agent in the war the principal sufferer by it, and in the end bringing about a peace. Mr. Hastings had a strong opinion upon that subject, that if Madaji Scindia was himself attacked, that if he carried the war into Madaji Scindia's own country, it would induce him to listen to terms for his own accommodation and detach him from the Mahratta states. That has already been so well, so ably and so strongly, stated, that I need not trouble your Lordships with a word about it; only stating that that formed a consideration upon the subject. With a view to that, Mr. Hastings, upon the 12th of June, 1780, proposes a renewal of this demand:—

“ I propose to the Board that, as the season is now approaching, in which our demand upon Rajah Cheit Sing for the payment of his annual contribution towards the expences of the war should be made, we do immediately instruct our Resident at Benares to apply to him for the sum of five lacks of rupees, which sum I propose shall be appropriated solely to the payment of Major Camac's detachment.”*

1 MAR. 1782.
Desire of
Mr. Hastings
to act
against
Madaji
Scindia.

His proposal
to demand
of Cheyt
Sing his
annual contribution.

This measure, your Lordships recollect, was opposed in every stage of it by Mr. Wheler and Mr. Francis, in joint minutes. A variety of objections were stated to the measure. One was the want of money to carry it on. Mr. Hastings, in order to obviate that, proposes to make this demand a little sooner than usual, and to apply that sum of five lacs to the payment of this detachment. Upon which, Mr. Francis and Mr. Wheler, who were objecting to this very measure, and who, therefore, if they had thought that there was no right to call upon Cheyt Sing for this subsidy at all, had an additional objection to it, namely, that it was proposed to be made somewhat before the usual period of its becoming due—here then they had an opportunity of additionally objecting to this measure, that they were at the time reprobating, by saying—“ the very means you propose to support it affords an additional ground of objection to it; because you are now going to do an impolitic act by an act of injustice.” They do object. But what is their objection? I will read it in the words of the minute—“ Bengal Consultations, the 19th of June, 1780.” After having taken time to consider upon this subject, they state, among other objections,—

Objection of
Mr. Wheler
and
Mr. Francis

“ Fourthly, because the proposed anticipation of the demand of five lacks from the Rajah of Benares and the sole appropriation of it to this

That the
proposed

and had
been ap-
proved by
them.

demand upon this subject
this in their own estimate
disposed of that; do not
taken that into our estimate
consider it as a matter of
made upon Cheyt Sing
majority, too, and being
approved of it, for at
England, on the 12th of
they are opposing this vote
of opposition to it, yet
cessity—perfectly clear
of the justice—perfectly
demand upon Cheyt Sing
own estimate of resources
would not permit the
purpose; but they still
Mr. Hastings was pressing
were a matter of his own

Constant
opposition to
Mr. Hast-
ings' pro-
posal for the
demand.

He says—"I wish I could
urging it to them by every
suggest. There was minu-
vent this measure being
wards, was carried into effect
of breaking the power of
about that object which
and which made him so a
into execution. He urged
minutes at the consultation

antecedent to that in the Council of Calcutta, and knowing his own great misconduct and dilatoriness, in order to atone for his misconduct and to pay a sum of money which might operate as a punishment upon himself for it, instructs his *wakil*, whom he sent down for the purpose, to pay this sum of money which is stated in the Article—"under the plea"—says the Article—"of atoning for the opposition alledged by the said Warren Hastings to have been made against the payment of the said subsidy." That was the plea; what his object was besides, that your Lordships will see when I come to state the very evidence the prosecutors have themselves given upon this subject, and which they must take in the whole if they take that part. The account given of the transaction by Mr. Hastings himself is that which they have thought fit to give in evidence, and therefore they must take it altogether; and then your Lordships will see [the groundlessness of] the idea of this man having been deceived—that he was taught to believe that the demand would be given up if he paid that money to atone for his past misconduct; that it was so directly the reverse, that, at the very time of his making it, Mr. Hastings, in the most positive and distinct manner, treated him thus—"I accept this as an atonement. Now I pardon you: I forgive all that is past; but mark this—you faithfully promise that you will pay obedience to that order that will be made the next day upon you for a renewal of the very same demand." And he received the most solemn assurances that he would faithfully comply with it. And your Lordships will, by-and-by, see that the whole evidence on the subject proves that to be the nature of the transaction; that, so far from an idea being held out to Cheyt Sing that he was to be excused from the demand in future, the contrary was the fact; and that he did then seal it with his most solemn promise that all his past disobedience should be corrected in future, by an accurate and faithful compliance with the orders of that year.

1 MAR. 1792.
of a sum in atonement for his delay.

No ground for the assertion that the offer was in lieu of the required payment.

I will read to your Lordships the passage that is given in evidence to prove this circumstance by the prosecutors. It will be found in the printed Evidence, page 96. It is an extract from Mr. Hastings' Answer in the House of Commons to the eighth charge:—

"I beg it may be observed that the first of these presents was received in the year 1780, at a time when, as I have truly said to the Directors, the exigencies of the Government were my own, and every pressure upon it rested with its full weight upon my mind. Whenever I could find

Mr. Hastings' statement, in his Answer to the House of Commons.

on the plan, amongst others, the expense we should incur by its execution, the confidential service to me in Calcutta by his master, and to assure me of his future. He was also entrusted with a remission of the payment of it which the Board had fixed as necessary in case of peace. I peremptorily refused his offer, his addition was all he might expect. Sadan commission from him to give me obedience and submission to the further directed to request my present to myself. My reply was one of assurance of obedience present, which I did. Having I my plan for attacking Mhadajee and which proved to be of the thwarted in it by my colleagues only material objection made to which I before refused, and, on believe, that my plan was rejected I had reconsidered his master's rupees, which I desired him to apply this money to defray Mhadajee Scindia, and thereby which had been made to this (my did not succeed in obtaining the and was, therefore, concerned at mind, since the only use to which trated; and I expressed my vex as he (who fortunately for me is ne

This is the account given has adduced upon this subje

communication. I, therefore, take the liberty of saying, that upon this account of it there appears to be two commissions. The endeavour to procure a remission of the subsidy was the first commission: that was negatived at the first conference. The offer of the money was the second commission, after a full intimation to Cheyt Sing that Mr. Hastings' determined intention was to enforce that demand. There could be, therefore, no deception on Cheyt Sing. If Cheyt Sing chose to atone for his past opposition, he could be under no hope of the future relinquishment.

1 MAR. 1792.

Two commissions from Cheyt Sing to his wakil.

But it does not rest here, because there is other evidence upon the subject to show clearly that, so far from any hope being entertained by Cheyt Sing of a remission of the demand upon this transaction, it was directly the reverse; that Cheyt Sing did upon this occasion promise faithfully to comply with the demand. It appears clearly from Cheyt Sing's own account of the business, in his own defence, afterwards, when he speaks of what had passed with Sadanund, that he did upon that occasion faithfully promise that he would in future comply with the orders of the Board.

Promise of Cheyt Sing to comply with the demand.

"For this reason,"—says he—"I sent my buxey, Sadanund, to your presence; enjoining him to represent to you the firmness of my obedience and attachment, to lay before you the particulars of my situation, and to learn the disposition of your mind towards me. He arrived accordingly in your presence, and represented everything in a proper manner. I have never deviated in the smallest degree from these professions."

It appears, therefore, by Cheyt Sing's own account of it, that he sent down Sadanund to make professions of obedience and attachment, and he insists upon it that he had never deviated from them. It appears also that, after this demand was made, in the year 1780, it was instantly communicated to Cheyt Sing, and Cheyt Sing then, so far from treating it as a thing he did not expect, acts as a man would act if he had recently made the promise of obedience, by repeating that promise in a letter which he instantly wrote upon the subject, and by showing a symptom of obedience stronger than he had ever done before, namely, by paying the sum of one lac down, or in a very few days, and promising to pay the remainder in a very short period of time. I will then ask, whether it is probable, if Cheyt Sing had a hope for a remission, and had by this sum of money thought he had purchased that remission, he would not immediately, when this demand was notified to him, have said—"Why, I

Payment by Cheyt Sing of a portion of the demand.

uses promise obedience. duct of a man acting an- ings says he acted and prosecutor states that dying out upon that lett dately gives his renewes which shows decidedly t before must have been that he had received his demand.

It is in this point of v transaction. How far is view, will be the subj becomes the subject of di it is charged here, man practised upon Cheyt Sir stated negative that idea sidering all the circumsta manifestly the pure obje this. He flies from the tained that they had ne portant measure into exe of the public that money himself, and he instantly comes to the Board and s upon the score of money ; it is paid into your treasur now?"

Therefore, with respect is clear from the whole, te

Impudence
of present
from Cheyt
Sir for the
public
service.

Purity of
 motive in

that, on the 22d of June, 1780, he proposes another demand 1 MAR. 1792.
 Cheyt Sing. Who are the persons present then? The Proposal by
 same gentlemen—Mr. Francis and Mr. Wheler again, Mr. Hastings for
 making a majority dissentient to Mr. Hastings' conduct— further
 persons who were opposing him at that time. Mr. Francis, demand on
 Wheler and Mr. Hastings, were the persons present, Cheyt Sing,
 on the 22d of June, 1780. The proposition is in the 22 June, 1780.
 d page of the printed Evidence. Mr. Hastings moved—

“That Cheit Sing be now called upon to contribute five lacks, as his
 share of the expence of the war for the current year.”

What opposition is made to this motion? Mr. Francis and Assent of
 Wheler have the power to prevent its being carried; do Mr. Francis
 they prevent it? No! they agreed to the Governor General's and
 motion. Not a syllable of objection! Not a hint, not a word Mr. Wheler.
 dropped of there being anything improper, inexpedient or un-
 just, in the demand! We have also the unanimous consent of
 the Council, on the 9th of July, 1778, qualified in that way,
 the consent upon the 17th of August, the consent on the 19th
 of July, 1779, the consent to the letter of the 12th of June,
 1780, and the consent on the 22d of June, 1780. Upon all
 these occasions your Lordships see that what I have stated
 appears upon the record, with respect to the conduct of all
 the members of the Council in regard to this demand.

My Lords, upon this occasion, the first letter was upon the Letter of the
 1st of July, 1780. It is in the printed Evidence, page 93. Resident to
 It is a letter from the Resident, Mr. Fowke :— the Council,
21 July, 1780.

“In obedience to your orders of the 23d ultimo, I have demanded
 from the Rajah Cheit Sing [the sum of five lacks of Muchlidar rupees,
 his proportion of the burden of the present war with France. The
 Rajah has desired me to inform you of his entire submission to your
 commands.] He has promised to pay one lack of this amount within a
 few days. I shall immediately advise your honourable Board of the
 receipt of it, and shall remit it upon the most advantageous terms I can
 obtain. I shall likewise urge the Rajah in the strongest manner possible
 to use the utmost expedition in the discharge of the remaining part.”

Your Lordships will recollect the observations I made
 upon that letter, to show his early promise of obedience.

The next letter from the Resident is dated the 5th of
 August. It is not in print, but it is a very material
 letter :— Another,
dated
5 Aug. 1780.

“I have the honour to enclose Cheit Sing's answer to your letter
 respecting the subsidy, which I received with Mr. Colebrook's letter of
 the 28th of last June. The Rajah has informed me of the request con-
 tained in the enclosed; he has desired me to make the same request on
 his part in a public letter to the Board.”—This alludes to the letter he

being, seeing the affair in this point must appear highly ridiculous. Rajah for immediate payment little effect, till the receipt of

These are the sentiments the conduct of Cheyt Sing with respect to his dispo Fowke had urged him to him which, if he was faithful would have induced him namely, that early application. The perilous situation known at that period of agencies of Government and Mr. Wheeler upon the they oppose the measure saying, I think, that the laces against the treasury; the treasury, they could not in that distress, having succumb tend with. And, having had the appearance of a par Sing had paid part of it and pay the remainder of it, ships find that the Resident is much afraid he will be under the necessity of having in order to compel compliance no expectation of receiving My Lords, the next letter

Expenditure
of the
Company.

Anticipated
refusal of
Cheyt Sing.

Letter of the
Resident.

the payment of the Nabob Saadet Ally's stipend, and have, according to the order of the Court, deducted from the last month's allowance the difference of batta, &c. sums I have issued, amounting to sicca rupees 13, 519:13, at the rate of 7½ per cent. I have also received from the Rajah one lack of rupees, in part payment of his subsidy; and I have the honour to enclose bills of exchange for the amount of these two sums, drawn as per accompanying invoice. I have urged the Rajah, very strongly, to complete the payment of his subsidy with all possible expedition; but I find he is determined to make no further payment till he receives an answer from the Court. I enclose, transmitted in my letter of the 5th instant to the honourable Governor General."

1 MAR. 1792.

Now, my Lords, what is this letter to which he will have an answer before he will comply with the demand? The answer is received on the 21st of August, 1780, and it is in the same page. He says:—

Although my distressed situation must be known to you from all quarters, notwithstanding I have been afraid to represent it to you myself, that I have sold my house and borrowed sums of money from which I am not yet released, yet in obedience to your orders I have paid one lack of rupees out of the five to Mr. Fowke, and shall pay the other four in three months. I request you will send directions to that gentleman to allow me that time, and it shall be punctually paid at the end of that time. You, yourself, must be convinced that I have no abilities nor resources left."

Letter of Cheyt Sing, asking allowance of time for payment of the demand.

That is the letter which Mr. Fowke said he would not mention by any approbation of his: "knowing"—said he, the Raja—"the riches you received from your father, the terms upon which you hold this country, and how potent you are, your plea of poverty and inability must appear ridiculous." And it was perfectly ridiculous. And, notwithstanding he told him that it must appear ridiculous to everybody, yet the Raja writes this letter as an apology to Mr. Hastings, saying—"you yourself must be convinced I have no abilities, nor resources left." Although Mr. Hastings had told him, in an antecedent letter, in a letter in the year 1779, which your Lordships recollect I read—"your plea of inability is futile," yet does this person write this letter to Mr. Hastings on the 21st of August, 1780, the want of answer to which he makes the plea of not paying the money he had promised to pay, and which he was told the Company were so much in want of; and he is told this letter must appear ridiculous to everybody that reads it, and he appeals to Mr. Hastings for knowing that which Mr. Hastings had expressly told him was futile. What are we to conceive of the conduct of Cheyt Sing when he acts in this manner, urging what everybody tells him is evasion and falsehood? When he is pressed to pay the money all he

Mr. Hastings' previous rejection of his plea.

Chey Sing.

mailed from malice, which
Cheyt Sing's conduct is
Oh! my Lords, if we were
equal terms with respect
duct of the other, must
out appear to be that o
man obey the orders of
to them by no other me
those that the conduct of
but a mind alien from
tile to the war we were
assistance towards it, wi
conditions under which h

Order of the
Council for
enforcing
the demand.

I shall now read to you
in consequence of these let
from a consultation on the
were present Mr. Hasti
Coote, Mr. Francis being
your Lordships will find i
letters—

"Ordered, that Mr. Fowke do
much displeased with those affect
immediate payment of the subsid
to discharge it."

That is all the order that
standing the letter that the
himself in this way after his
that the Board do is, merely
of his conduct, and to repeat

and desiring immediate payment. Upon the 27th of September, Mr. Fowke writes to the Board a letter that Lordships will find in the printed Evidence, page 94 :—

1 MAR. 1792.
Letter of the Resident to the Council, 27 Sept.

"We have received the honor of your letter of the 7th instant [and have] your commands to the Rajah. He has promised to discharge some of his subsidy, being rupees 2,53,000, in the course of a few days. I am treating with the shroffs for a remittance to Major Camac, and I shall be able to effect it by bills from them in the whole."

Lords, it appears, therefore, that the payment of this sum had at this time—the 27th of September, 1780—amounted to two lacs, 53,000 rupees, which is about one-third of the whole, and that, upon the intimation given to the Board of the appropriation of it to Major Camac, he had promised to pay the remainder in a few days. Upon Mr. Fowke states that he is treating with the sarrafs for a remittance to Major Camac. He waits for the Raja's answer; and, upon the 5th of October, he writes another letter which is in the printed Evidence, page 95—

Promise of Chyrt Sing to complete the payment.

"I think it incumbent upon me to inform you, that the Rajah, notwithstanding his solemn assurances, has hitherto paid no part of the sum of his subsidy, specified in my address of the 27th ultimo. He has pleaded his plea of inability, and I can form no opinion how long I shall think proper to protract the payment."

Letter of the Resident to the Council, 5 Oct.

No payment made by the Raja.

It is the representation of the conduct of this faithful attached man, on the 5th of October, 1780, by Mr. Fowke, the Resident!

Lords, after there had been these two complaints of Mr. Fowke—the first followed by a censure upon him and now a second complaint made upon the subject—how could come to that measure which is the subject of diversion in the Article—"that he did, by similar and rigorous means, and particularly by the threats of a fine of 10,000*l.*, extort the payment of the like sum of five hundred thousand rupees."

My Lords, it was in consequence of this conduct that the measure I am now going to state was adopted at a consultation on the 26th of October, 1780. The persons present were Mr. Hastings, Mr. Francis, Mr. Wheeler; Sir Coote absent on service. Here then, again, upon the 26th of October, 1780, Mr. Francis and Mr. Wheeler form a majority—

Consultation of 26 Oct. 1780.

Verborum General.—Such an instance of contempt shown by the Raja of Benares to the authority of this Government, at a time in which his duty and gratitude for the many obligations which he owes to it to have prompted him to make a voluntary tender of that aid

Recommendation by Mr. Hastings of the exaction of a fine.

issue orders to the command
stations to Benares to march &
orders as may be hereafter tra
Board may be informed of th
sent order; and it is hoped t
necessary to proceed to entren

Argu-
ments of
Mr. Francis
and
Mr. Wheeler.

What is upon this occa
cis and Mr. Wheeler cons
in the year 1779, opposed
Francis had in that year
measure was unnecessary.
measure. Do they conti
ments respecting Cheyt S
to have recourse to thes
sure, if they did, they w
duty to have given every
was to carry into executi
mand, where the person h
it, and where it had the
course to measures not ne
Do they, then, in joint op
1780, oppose this measur
with the additional circur
need, but of a fine for the

My Lords, in the print
these words,—

"I acquiesce, though I hope
Philip Francis and Edward Whe

Here, my Lords, is an acc

hem a knowledge, by the records of the Company, of ^{1 MAR. 1792.} ~~his~~ disobedience, here acquiesce in the proposition of ~~his~~ past disobedience; hoping the threat will do, but, if it will not do, then the measure is to be carried out.

sure it will not be said that they acquiesced in it, ~~ing~~ that it was to be threatened only and not to be ~~or~~ nothing can be so mischievous as to threaten what ~~not~~ mean to execute—what you think is wrong. To ~~to~~ do an act of injustice is the worst of injustice. ~~and~~ in charity to believe, that they thought the ~~in~~ question to be just and necessary, when it was ~~threatened~~ to be done, but when it was acquiesced ~~e~~ manner I have stated. Upon this they all agree to ~~the~~ Resident; and your Lordships will see the strong ~~which~~ they all concur as to the measure necessary ~~opted~~ with respect to the Raja:—

Letter from
the Council
to the Presi-
dent;

we received your letter of the 5th instant [informing us that, notwithstanding his solemn assurances, has hitherto paid no ~~is~~ balance of his subsidy specified in your address of the 27th ~~but~~ he had resumed his plea of inability, and that you could ~~opinion~~ how long he might think proper to protract the payment. ~~fact~~ of the Rajah seems to us without excuse. We direct, ~~that~~ you demand instant payment of the balance due of his ~~and~~, if he shall not have discharged it at the time of your ~~this~~ letter, that you exact from him, in the name of the Board, ~~r~~ sum of one lack of rupees, as a fine for his past disobedience. ~~e~~ the compliance due to our authority, and to the payment of ~~required~~ of him, we have given orders that the battalions at the ~~nearest~~ to Benares should march immediately to that place, and ~~such~~ directions as may hereafter be transmitted to] the officer ~~ing~~ there."

at the same time write a short letter to General
:—

ing had late occasion to be much dissatisfied with the conduct of ~~of~~ Benares towards this Government, in withholding the pay- <sup>and to
Gen. Stib-
bert.</sup> ~~he~~ amount due from him as his subsidy, we think it neces- ~~irect~~, and do direct, you to issue orders to the commanding ~~the~~ battalions at the stations nearest to Benares to march imme- ~~that~~ place, and wait such further orders as may hereafter be ~~id~~ to them."

are letters signed by them all, in which they do, in <sup>Their disap-
probation of
Cheyt Sing's
conduct.</sup> ~~t~~ clear and explicit terms, express their strong disap- ~~n~~ of the conduct of this person, and of the neces- ~~having~~ recourse to the measures then directed, which ~~ide~~ necessary by the contumacy and disobedience of ~~ing~~.

that, very shortly after that of the whole being paid.

As soon as the receipt is received, all the Bon execution of these orders ; fine ever was, in point of fa

Upon the 18th of October 20th of October, two lacs

The troops
mustered.

which, the order for the tr mandated, as appears in the pr

that occasion, therefore, whic year, excepting the business

The pay-
ment pro-
tracted from
June to
1st Oct.

it appears that the payment from the time of its original d

that it was not fully paid til had been all that delay in th

under all the circumstances I vours on the part of everybo

with the necessity, confessed to this measure of compulsion

CONTINUATION OF THE SPEECH OF THOMAS PLUMER, ESQ., COUNSEL FOR MR. HASTINGS, IN DEFENCE UPON THE FIRST ARTICLE OF THE CHARGE, RELATING TO BENARES; 24 APRIL, 1792.

MY LORDS,—It is not without some degree of apprehension and uneasiness that I find myself under the necessity of again appearing at your Lordships' bar, to solicit the condescendence of your Lordships' attention to the defence of Mr. Hastings upon the first Article of the Impeachment. 24 APR. 1792.

My Lords, called upon as I was by the duty assigned to me to offer a particular defence to this Charge, professing to maintain a long series of acts of inhumanity, injustice, tyranny, oppression, breach of faith, violence and bloodshed, it appeared to be my indispensable duty to follow the Charge through the whole of that series, and that I could not properly discharge my duty to your Lordships, to the prosecutor and to Mr. Hastings, if I omitted to advert to each of those measures in the order in which the Charge affixes guilt to them, namely, in the motive, in the object, in the nature and quality of them. But, my Lords, the pursuit of this plan has drawn me into an unexpected, and what, I fear, will have appeared to your Lordships somewhat tedious, perplexity, so that I am now under some difficulty to determine in what mode I can properly discharge the remainder of my duty, lest I should, on the one hand, seem to trespass too much on your Lordships' attention by continuing the same mode of investigation, or, on the other hand, neglect that part of the duty which is imposed upon me, and seem to be shrinking from that full and close investigation of the subject which I cannot but feel it the interest of Mr. Hastings to provoke.

*Apology for
minuteness
in answer-
ing the
Charge.*

My Lords, under these circumstances, I hope I shall not be thought to abandon any part of the duty that I have to discharge, if I should presume to consider some parts of this Charge as not seeming to require the same minuteness of discussion that the others do. I mean in particular, my

*Neglect of
the latter
part of the
Charge.*

same mode and upon
pursued, are those w
graphs, and which are
of supposed violence an

Having experienced
cassion of this subject
Lordships with any re
take up the subject wh
will recollect was on
subsidy from Cheyt Sin
to be discussed with rel
sion of a body of caval
in the latter end of the
ings declared of the cond
to his going up to Benn
duct with respect to Chey
accusation contained in a
1781, which is the subje
tation with respect to C
delegation of the power of
journey to Benares; the
the conduct both of Mr. H
in particular, the rebellion
August, 1781. These app
remain to be discussed und
sonal treatment of Cheyt Si
The first of these is, the d
ships will find the evidence
97th page of the first volume
Chambers

Subjects re
specting the
Council.

Demand of
cavalry in
1780.

That is the requisition: it then states that he after 24 APR. 1792.
 words—

under pretence and colour of the said resolution of the Board, did per-
 sutorily and arbitrarily demand from the said Rajah 2,000 cavalry,
 which demand was afterwards reduced to some other number, but with-
 out any offer of paying for the same, although the said Rajah was not
 bound to keep up any cavalry, and for whatever number he furnished for
 the service of the East India Company he was to be paid at the rate
 already stated."

This is the whole of the paragraph. Your Lordships will
 observe that this measure, like the rest, is made criminal in
 respect of the motive being malice and a design to ruin Cheyt
 Sing; but the nature and quality of its being unjust is in
 respect to his not being under any obligation to keep up any
 cavalry, and that this requisition was made notwithstanding
 the receipt of a bribe or present from him, and that it was
 also under pretence and colour of the requisition that a sub-
 sequent demand was made upon him.

All the evidence that has been given upon this subject is
 contained in the page I have referred your Lordships to, and
 consists merely of the proposition itself; and, therefore, if it be
 a proposition of the nature stated, it is supposed that it affords
 intrinsic evidence of its own malignity, and that the bare
 statement of the evidence upon the subject proves the malice
 that suggested it. If the measure itself affords intrinsic
 evidence of the bad motive for it, it would equally do so
 with respect to all the persons who concurred in it; but
 it appears from the evidence before your Lordships that
 the proposition in question was an unanimous resolution by
 all the members of the Board; the persons present being
 Mr. Hastings, Mr. Francis and Mr. Wheler. The latter
 two members of the Board, your Lordships will recollect,
 had in a former year interposed on behalf of Cheyt Sing,
 and objected to some of the prior demands, but throughout
 the whole of this year they did not make any objection either
 to this or to any of the other demands which were made upon
 the Raja in the course of it.

Imputed
 malignity
 in the
 demand.

The demand
 not opposed
 by Mr. Fran-
 cis or
 Mr. Wheler.

But it is supposed that this measure was peculiarly the
 measure of Mr. Hastings, because it is stated that Mr. Hast-
 ings moved and carried the proposition. Now, if any par-
 ticular force or stress is meant to be laid upon these words,
 I shall only observe that their application to the present
 measure is a little unfortunate; because it appears, upon the
 evidence I have referred your Lordships to, that the obvious
 propriety of this measure was such as to produce the unani-

Not to be
 attributed
 to Mr. Hast-
 ings alone.

requested to write to
and carrying the prop
appear upon the face of

In the next place, it
ances and statements
what does appear upon
proposition that does ap
inserted in this paragra
position only had been
proposition, which tends
proposition came from,
any of the effects that
Lordships will find, by
was a call upon Cheyt
he could spare, and only
in his service; not callin
but only to supply his s
Government of India in
could spare of what he
The words "entertained
observe, are wholly omit
part of the proposition,
be a call upon him only
establishment.

Cheyt Singh
not called
upon to
make good
charge.

Omission of
part of the
proposition
in the
Charge.

In the next place, all
calculated to obviate any
of the Raja of a perman
prevent his entertaining
totally omitted. I ...

ll that part of it is omitted !

24 APR. 1792.

NE the next place, it is stated that this was criminal, because the Raja was not bound to keep up any cavalry. I am not now going to trouble your Lordships with a repetition of the discussion of the right to make this demand ; I confine this to fall under the general head that I have already discussed—the right of the sovereign to call for military assistance from one of his subjects in a time of war. I admit that the Raja was not bound to keep up any cavalry, but I do not conceive it to be a consequence of that, that he is not bound to furnish out of that force which he actually does keep up—that he voluntarily chooses to keep up. If he is admitted to keep up a military establishment, which can be kept up for no good purpose but to act against the public enemy in a time of war—I say, if he does keep up a military establishment, he should be liable to be called upon to assist with that military establishment against the common enemy ; and, therefore, though he was not bound to keep it up, and though he did in fact refuse when we proposed to him that he should be disciplined and officered by British officers, yet he did keep up this force, and he kept it up in part clandestinely, as I shall, by and by, show your Lordships, but he did keep a body of 3,000 horse ; and it then became a reasonable requisition upon him, as I conceive, if the occasion called for it, that we should be assisted by such part of that cavalry as he could spare.

Answer to the assertion that he was not bound to keep up cavalry.

My Lords, another circumstance stated was, that whatever he did furnish he was to be paid at the rate of fifteen rupees per man, per month, at the time of their acting in our service. It seems to be entirely forgotten that that made a part of the whole proposition which was altogether rejected by the Raja—that, if he would consent to be at the expense of maintaining a standing force to the amount proposed of 2,000 cavalry, in that case we would, when we wanted their service, pay an additional sum of fifteen rupees per month. But when the Raja altogether rejected that, I am at a loss to know how it can now be stated as a subsisting obligation upon us to pay the fifteen rupees per month ; for if he would not comply with his part, neither can it be incumbent upon us to perform that which was only the consideration for the other.

Assertion that he was to be paid fifteen rupees per man.

I shall, therefore, consider the right of the British Government to demand this aid to be established if a proper occasion offered for enforcing it. The question then will be,

State of
affairs at the
period.

then state of the Com
I apprehend it will c
what was the state of
every political measure
to the then state of affai
the motive that induce
measure, whether it wa
the affairs; and yet up
any evidence has been
becomes necessary for
your Lordships that th
upon the 3d of Novem
Lordships will recollect
affairs in India at that al

Examination
in June, 1780.

In the month of June,
Board had declared our si
in a condition to carry on

"Taking our situation as it
bears opinion that a peace is in
Company and every interest c
dispute, if not from certain re
subject may be, it is not practi
some without very considerable
ing it."

This was in the month
that period, when we were
accumulated difficulties that

Examination of
Hyder Ali,
July, 1780.

Your Lordships will easi
be the invasion of H.

of September, in the year 1780, happened another 21 APR. 1792.
 mity, the severest check that the British army ever
 experienced in India, I mean the defeat of Colonel Baillie's
 detachment; in which, your Lordships will recollect, every
 man of that unfortunate detachment, with the reinforcement
 of Colonel Fletcher, was either cut to pieces, wounded
 taken prisoner, consisting of a very considerable portion
 of the whole of our force upon that establishment. The
 news of this event arrived at Bengal about the 22d or 23d
 September, 1780. Your Lordships will permit me to
 state very shortly a letter which was written upon that
 occasion from Sir Edward Hughes to the Government,
 applying to them for assistance, which led to the measures
 that were afterwards taken, one of which was the particular
 measure that I am now adverting to. Sir Edward Hughes,
 in his letter to the Governor General and Council, dated the
 14th of September, 1780, after stating some of the circum-
 stances preceding, says,—

Letter of Sir
 E. Hughes,
 asking for
 assistance.

"On that day it was [greatly feared some untoward accident had pre-
 vented the junction of a large detachment of Europeans and sepoys,
 under the command of Lieut.-Col. Baillie, with the army under the
 command of Sir Hector Munro; sorry am I to tell you that last night's
 advices from the army have given certainty of the destruction, not only
 of the whole of Lieut.-Colonel Baillie's detachment, but also of a
 reinforcement sent to support it, consisting of all the European grenadiers
 and light infantry, and all the sepoy grenadiers of the army, making
 together more than 400 Europeans, and 3,000 sepoys with about 50
 officers; and, in consequence of this disaster, the army under Sir Hector
 Munro has retreated to Chinglaput on its rout to the mount in great
 want of everything, and as the report is, having lost the whole of their
 ammoun and baggage. In short, sir and gentlemen, as far as my knowledge
 of land service assists me, it appears to me, that, under the present
 circumstances, and with all the force this Presidency can possibly bring
 into the field, they will be in no condition to face the enemy, unless you
 send them a large and timely reinforcement of troops. Nor will troops
 alone save this sinking settlement, for I am assured by the Governor
 that they have no money in the treasury, nor any evident means of
 raising it, in any proportion adequate to their present exigencies. Under
 all these circumstances, I trust you will not think me importunate, if I
 recommend to your most serious consideration the imminent danger
 there is of the loss of the Company's very valuable possessions on this
 coast, unless you give them that effectual and timely succour of men and
 troops absolutely necessary to save them, for the present force with
 Hyder Ally is not all they have to contend with. I have not a doubt
 that a very large body of regular troops will, by some means or other,
 be sent to Hyder's assistance. Strongly impressed as I am with this
 certainty, and the possibility and even probability that the French may
 bring a superior naval force into these seas, I think it my indispensable
 duty to warn you, sir and gentlemen, of the evident necessity there now
 exists to guard, not only the Company's territories on this coast, but

Report of
Mr. Hastings
Sept. 22 1782

Called upon in this
was, to preserve if p
ruin that impended,
zeal and vigour, which
ment, calling togethe
tember, then made the
upon a former occasion
your Lordships with a
only beg leave to state
time that the first co
question took place. M

" This is not a time either
malty and tedious process of
has befallen us upon the co
Hyder Ali has acquired in the
ment of Fort St. George. [the
have spread themselves among
its utter want of present means
military strength, and its declar
system, and, above all, the auth
of a great naval and military arm
and destined, beyond all doubt,
the most instant, powerful, and e
ment, to avert the event porten
To this point every other consider
farther preface I propose the follow

Measures
proposed by
him.

Mr. Hastings then propos
sum of money, amounting
supply to the coast; second
in the new fort for a particu
from thence and placed

ad. In the last place, to propose a peace with the 24 APR. 1792.
 tas. [He adds,] "The Commander-in-Chief will
 oh a plan for the distribution of our troops and our
 arrangements as appertain to his separate province."
 brought forward on his part the measures that
 ad to him immediately necessary, Mr. Hastings sug-
 that there would be a necessity to provide for the
 & the Company would sustain of a part of its military
 hment. He refers it to the Commander-in-Chief to
 of the proper distribution of force, consequent upon
 attachment being sent away, and upon the further
 as that were about to be in agitation. In consequence
 Sir Eyre Coote next day lays before the Board a
 plan for the distribution of the force in the upper
 , and, as a part of that plan, Sir Eyre Coote, from
 , suggests it as a proper measure that Cheyt Sing
 be called upon for a thousand cavalry, to assist in the
 defence. The measure, therefore, which is sup-
 o originate in the personal malice of Mr. Hastings to
 Sing, Mr. Hastings has not even this merit of ori-
 y in, for it was first suggested by the Commander-
 of, in consequence of a reference to him to do what
 ined to his office, namely, to distribute and consider
 proper force to be established, in the then state of

Proposal of
 Sir Eyre
 Coote to
 require 1,000
 cavalry of
 Cheyt Sing.

Eyre Coote states that we had only two regiments of
 . He had, upon the 14th of September, and upon
 14th of September preceding, suggested the necessity
 was for protecting the Behar province, exposed as it
 on the open nature of it to invasion of the Mahrattas.
 our Lordships will recollect that, at that period of time,
 was hanging upon the province in that government an
 of 30,000 horse—the Berar army—which, notwith-
 ing all their friendly professions, still created some
 of apprehension lest they might act otherwise, as
 might, at any day, burst upon our provinces and lay
 the whole of them. Sir Eyre Coote proposed to
 t the Behar province by bringing the only two
 nts of cavalry that we had; but, conceiving that that
 would not be sufficient for the purpose in the then
 f affairs, he adds,—

Plan for pro-
 tecting the
 province of
 Behar.

o two regiments of cavalry to be ordered down there to be joined
 battalions of sepoys, the third company of artillery from the

Lordships know Alla
Benares lying between
Allahabad there should
the western side operat
it appeared a reasona
Company were distrib
Benares and to operate
that if the Raja had a l
diately wanted in his
stationed for the pub
province—and it could
reasonable requisition on
him to assist us with tha
In consequence of this
by the Commander-in-C
ordered—

Order of the Council. "That a copy be sent to
capture of Sir Eyre Coote, th
carrying the same into execution

It happened that this
not immediately executed;
reason of it to have been,
intervened between these p
ber, when this plan was car
in applications made, first,
with the Mahrattas, which
to negotiate with the Raja
through his provinces of six
resolved about

Application
to the Raja
of Benar for
passage for
troops.

sent to Madras, as soon as the state of the roads 24 APR. 1792.

of it, and an answer had come from the Berar
when he proposes that, with respect to infantry, an
should be made by new recruits to supply the
was now sent, but refers to General Stibbert as
ould be necessary on that subject. And your
ill find that in the letter of General Stibbert,
Lordships inquired after when this subject was

Letter of
Gen. Stib-
bert.

but which the Managers did not conceive to
nection with this business : yet it does appear to
l with this subject, because it was in consequence

General Stibbert, upon the 28th and 29th of
80, suggests his opinion that the proposition of
ote for bringing down the force of the upper
rotect us below could not safely be carried into
ecause of a new danger that was communicated
letter sent from Major Bristow, who was at one
hernmost stations [Daranagur], which is next a
ple called the Sikhs, and in which Major Bristow
prehensions of an invasion from them, that the
the Ganges offered a fair opportunity for them
r and commit depredations in that part of the
l that, therefore, there would be an occasion for
rather than a reduction in that quarter.

Apprehen-
sion of in-
vasion of
Sikhs.

Stibbert suggests the necessity of it ; he objects
sed mode of reinforcement by recruits that it
c or eight months before recruits would be fit for
l he suggests that some other mode should be
erefore, upon the 3d of November, upon reading
again under this state of affairs, they came to
esolutions ; one of which is to provide for the
efence of the northern stations, by calling upon
Wazir to require of Fyzula Khan his quota of
g, as they imagined it, 5,000 horse, to assist in
of the upper stations ; and, at the same time, they
o desire the Governor General to write to Cheyt
uire such part of the cavalry actually entertained
e as he could spare for the service of the British

Objection to
recruits.

Resolutions
of the
Council to
demand
cavalry of
Cheyt Sing.

s, this is the history of the present measure ; and
hips are now to pronounce upon it—whether it
n private malice and a design to ruin Cheyt Sing,
the measure was not a natural consequence of the
of affairs—was the result of the operations of

The measure
necessitated
by the state
of affairs.

spare.

The demand
not misre-
lated to ruin
Cheyt Sing.

I hope, therefore, I have malignancy in the motive. I apprehend to have shown little danger that this means Cheyt Sing. And it seems that such means should be the ruin of Cheyt Sing—a lack of rupees, which was of income, and, consequently, shillings in the pound—thus derided as intended for his dition to him for such part and which were actually entailed with any such consequences supposed that the Raja, as said—"Having no object but you, to provide for your and enemy, having this cavalry removed so as to operate more defence, I entreat you to use service. Let them be set province. I am perfectly willing to take place which is thought for the public interest."

Application
to him to
pay for
mainten-
ance of the
cavalry.

With respect to there being to pay for them, indeed that Raja never on his part came. The proposition to pay for the

appear, by anything that is stated, that that would not 24 APR. 1792.
 been taken into consideration by the Board, and every
 able provision made.

; what was the conduct of Cheyt Sing in consequence? Conduct of
Cheyt Sing.

Lordships will find that the demand was communicated
 in a letter from the Governor General, and, likewise,
 communicated to him in a letter written in the name of the
 Resident, Mr. Fowke, requiring him to
 the demand in the terms that I have stated. Mr. Fowke
 that he did make the demand upon him, and that he
 delivered it upon the 2d of December, 1789. Your
 Lordships will find, that appears from a letter of the 16th of
 December, in which he states fourteen days to have elapsed
 subsequent to his delivering a parwana. He states, upon
 7th of December, that he had explained the demand to
 Cheyt Sing; that he had obviated any apprehensions that
 could have of its being converted into a permanent im-
 position; had told him that the service would be required
 his force no longer than the continuance of the present

He states that he had not then received any answer Neglects to
answer the
demand, for
the space of
a month.
 to him. Your Lordships will find that this person, called
 by his duty, bound by his tenure, to afford us this
 instance, remains silent in that perilous exigency of the
 Company's affairs, without giving any answer even to the
 demand to know what he could spare; that he remained a
 whole month without sending any answer to it at all! And
 your Lordships will think that pretty extraordinary on the
 part of Cheyt Sing, when he did in his own letter, that is
 supposed to be such a model of submission, accuse Mr. Hast-
 ings of delay in answering his letters—his shuffling, preva-
 lating, letters, when he for a whole month, in a time of
 arduous war, gives no answer to that which required imme-
 diate answer, not only as to the requisition, but also to know
 what he could spare!

My Lords, it does not rest merely there, but your Lord- Complaint of
his conduct
by the
Resident.
 ships will find that Mr. Fowke, the Resident, had great
 reason to suspect his conduct to be premeditated; that he
 suspected there was design in these delays; and that he
 found it necessary to make complaints to the Board of the
 conduct that this person was observing, in the same manner
 as every Resident had found it necessary to complain of his
 conduct, from the beginning of the war, with respect to
 every demand that the Government made upon him. Mr.
 Fowke states—

24 Apr. 1780. "Fourteen days are now elapsed since I delivered to the Rajah your perwanna, requiring to know the number of his horse which he could detach for the Company's service. I have frequently pressed him for an answer, which he continually delays, and, it appears to me, that these delays are studied." *

Disposition
of Cheyt
Sing to rebel
against the
Company.

My Lords, our distress, instead of inducing Cheyt Sing to co-operate in our defence, had a contrary effect upon him, and he did encourage this ambitious and wicked hope, which he soon afterwards attempted to execute by his rebellion. He was at that time encouraged to act the part he did by wicked spirits that were at work, and that, afterwards, did co-operate with him in the rebellion to endeavour to destroy the British government in that quarter of the globe. That he was induced to act the part he did by wicked advice, by base promises of assistance by a neighbouring power, and of co-operation in the rebellion—when that subject comes to be a matter of discussion, I undertake to prove to your Lordships. I mean the Princesses of Oude. When all the evidence upon that subject is brought forward, your Lordships will see how clearly, in every part of it, it tends to establish the fact that they did act in the assistance of Cheyt Sing upon that occasion.

Instigation
by the
Princesses
of Oude.

Letter from
Mr. Balfour.

Your Lordships will find that, prior to that business, there is a letter that furnishes a clue to the conduct of Cheyt Sing upon this occasion, which is upon your Lordships' Minutes, and which, as it is a short one, I will beg your Lordships' attention to. It is in page 199. It is a letter from Mr. Balfour, addressed to Mr. Hastings:—

"Sir, about the month of November last, I communicated to Mr. Markham the substance of a conversation said to have passed between Rajah Cheyt Sing and Saadut Ally, and which was reported to me by a person in whom I have some confidence. [The mode of communicating this intelligence I left entirely to Mr. Markham. In this conversation, which was private, the Rajah and Saadut Ally were said to have talked of Hyder Ally's victory over Colonel Baillie's detachment,] to have agreed that they ought to seize this opportunity of consulting their own interests, and to have determined to watch the success of Hyder's arms. Some days after this conversation was said to have happened, I was informed by the same person that the Rajah had received a message from one of the Begums of Fyzabad—I think it was from Sujah Dowlah's widow—advising him not to comply with the demands of Government, and encouraging him to expect support in case of his resisting."

Rebellion of
Cheyt Sing.

My Lords, he did resist—and he was supported. He was supported in his rebellion by the persons who promised

* Letter from Mr. Fowke, Resident at Benares, to Mr. Hastings, dated 16th December, 1780.—Printed in the "Minutes of the Evidence," p. 138.

in support—by the Begums. Your Lordships will remember that a thousand of his troops, that served in his rebellion against the Company, were sent by the Begums from Fyzabad; and the general co-operation of the adjoining province will be stated in such a manner as, I conceive, will leave not a particle of doubt on that subject. This your Lordships observe was prior to the rebellion, for it was in November, 1780, that this conversation was overheard and stated, and, therefore, it was a thought taken up after the rebellion actually took place—after assistance was known to be given by the Begums—but preceding it. It was a circumstance discovered accidentally before.

24 APR. 1792.
Troops furnished by the Begums.

My Lords, upon the 7th of January, 1781, Mr. Fowke writes to the Board. He says,—

"I have this day received the inclosed answer from the Rajah to your demands respecting a detachment of his cavalry for the service of the Honourable Company. He has informed me that he shall not be able to furnish more than two hundred and fifty horse; the remainder being absolutely necessary for the collection of his revenues."

Letter of the Resident.
7 Jan. 1781.

My Lords, I will prove that pretence to be just as well founded as all his pleas of poverty were for not complying with the demand of the subsidy. He had at that time in his service three thousand cavalry, and the necessity for his collections would not have required three hundred; for with, I believe, not more than one half of that number were all the collections made, after the change had taken place in the government, and consequently when, it will naturally be supposed, [it was not] so easy to carry on the collection of the revenue subsequent to his rebellion and flight.

Pretended inability of Cheyt Sing to furnish more than 250 cavalry.

He has pretended in that letter, which is in the 117th page of the Minutes, that he had only in his service thirteen hundred. In the first place, if he had only thirteen hundred, he could have spared us a thousand, if not more than three hundred, as I have stated, were required for the collections. In the next place, that is not true, if I am rightly instructed, as to the actual number he had in his service;—and I am induced to believe I am rightly instructed, because, in the list of troops that were actually employed against us in the month of August, 1781, which was a very short time subsequent to this—the 7th of January, 1781—your Lordships will find there were to the number of very near three thousand actually serving in arms against us.

Mr. Hastings
said,

"While this Government and has to contend with a supreme administration of it may at least claim as a moral (that hath ever yet) penable obligation, to support, and eventually to be in charge. On the agent of my own choice sensitive station, and one of a man not preferably of Government, and holding. Speaking for myself alone, I Forke is not my agent; th while he continues at Benar and this Government insten the Rajah himself and ever in connection, will regard independence."

If there is any danger from that circumstance, rendered it essentially n of January, 1781—that when the then existing G Mr. Hastings states hims ham, as a gentleman appro then Mr. Wheeler—and in the fullest confidence. I that they were well ground the merit of that

Endeavour
of Mr. Mack-

his country. In particular, he was directed to endeavour, 24 APR. 1792.
 in his power, to persuade the Raja to feel the absolute
 necessity of his compliance with this requisition of cavalry.
 As the distresses of the Company increasing every hour, the
 necessity of the co-operation of every person that belonged
 to Government was represented over and over again, and he
 was pressed by Mr. Markham every month and every week ;
 yet your Lordships will find that, from the month of
 January, when Mr. Markham went there, down to the
 time of Mr. Hastings' arrival, Cheyt Sing never could be
 brought to furnish a single horse, though when Mr. Mark- Evasions of
Cheyt Sing.
 ham made the application—first, as he was directed to
 for the number of two thousand, and, afterwards, in
 a way that was somewhat humiliating to Government, desir-
 ing that he would send even fifteen hundred—and after-
 wards the demand dropped down to a thousand—in
 power to that Cheyt Sing would only say this—"I will
 send you five hundred bircundasses"—which are, as your
 Lordships will hear, infantry—a rabble, and which he per-
 fectly knew was an offer that was entirely nugatory, and
 would be of no sort of use to us. But, even when that
 proposition was made for five hundred, Mr. Markham said
 to him—"Let me see a disposition even to furnish them,
 and I will then write down to Government and let them
 know that you are ready to comply with their requisition."
 but all was shuffle and delay from the beginning of the year
 to the end of it, and he never could be brought even to
 muster one single horse.

Such was the conduct of Cheyt Sing, and such was the
 conduct of Mr. Hastings with respect to the only two species
 of demands that were made upon him throughout the whole
 year—a demand of five lacs, the subsidy continued for three
 years successively, and a demand of cavalry; the first of
 which in every year was for a period, first, of two months,
 then of three months, then of four months, disobeyed and
 resisted by Cheyt Sing; and the compliance with it at last
 obtained, as your Lordships will remember, by a military
 force in the year 1779; and the Board thinking it necessary,
 in the year 1780, to adopt further means, not only to
 threaten him with military force, but with a small fine to be
 imposed upon him for his past disobedience, but which never
 was exacted.

Finally, we come to the last year of our distress. Dis-
 tresses thickening upon us his disobedience increases; and

...which R
in the month of Janu
of that paragraph is
your Lordships' perm
your Lordships will
occurrences on the pa
is interpreted—what
circumstance was writing
him respecting his m
malguzari, or rent. T

"In further prosecution
design to ruin Cheyt Sing-
some act which might affor
he did, some time in Januar
or cause to be written a let
his monthly kists or paymen
ment of the stipend of Mirza
did pay his kists with the ut
Mirza Sadlit Aliy was paid u
the said Warren Hastings did
in paying the same."

Imputation
of design to
obtain pre-
text for
violence.

The charge is stated to
that it originated in a mot
that might afford a prete
more diabolical motive
heart of man—to design
that he knew to be false
act that might afford a p
My Lords, I should have
was the object, had already
by his conduct in respect

that it could not possibly be by mistake that Mr. Hastings could ^{24 APR. 1793.} make this charge against Cheit Sing, but he must have known it to be true when he made it."

Now, my Lords, I should have thought that, judging of the conduct of Mr. Hastings upon a subject of this sort with a reasonable degree of charity, it might be supposed possible that a governor of a great empire, in the then state of England, might have overlooked a document, if that document established the negative of what he supposed to be true; but it might be referable rather to mistake than to wickedness, had motive, as is here stated. But it happens unfortunately for the observation here, that, when you examine the evidence upon that subject, the mistake is altogether on the other side; for the very evidence the prosecutors have produced themselves, to show that he could not be mistaken, establishes the truth of it when it comes to be looked into, and shows the direct contrary to be the truth of all the allegations stated in this Charge!

The evidence upon the subject consists, in the first place, in a general Benares journal for the year 1780. And I begin my remarks with respect to the journal that it proves nothing at all upon this subject, because your Lordships will find it consists of a catalogue of months, and opposite to each month a sum that became due in that month, but the time of payment does not at all appear by that journal. If that journal were correct at all, it might be supposed that always, and the very day and hour when it became due, every kist had been actually discharged—the contrary of which is notoriously the truth, and which they have themselves proved. The journal, therefore, proves nothing one way or the other, except that, at the time of making up that journal, the whole had been paid; and, when it is made up and the whole paid, then to each month the kist that belongs to it is placed, and credit is given the Raja for the whole; the whole having been actually paid. But that is not the proper document to ascertain the time of payment; therefore I could have thought your Lordships might have been spared the trouble of reading that journal, and that they should have rather produced the proper document to prove when the payment was actually made.

The next piece of evidence which they have produced consists of two letters written by Mr. Fowke, the Resident at Benares. One of them in December, 1780, the other in January, 1781.

Proof of
Mr. Hastings' charge
against
Cheit Sing.

Benares
Journal.

Letters of
Mr. Fowke,
the Resident.

Excerpt
from the
letter of
Mr. Fowke's
to Hastings.

One of the letters is directed to Mr. Fowke, and is in date of January, 1781, in which the punctuality of Chaitanya is directly the reverse—it appears by this very letter that it was due upon the 4th of December, and is in arrear. In order to punctually pay his kind engagements, and to satisfy Hastings could have sent a letter from the Raja showing him to have been in arrears.

The next letter also dated 13th January, 1781, shows that it had been paid on the 4th of January. Per month in arrear is neglected that the payment is not made month—when it is neglected that you shall never pay fifteen days in arrear—it soon becomes a necessity of work of the malguzari by Hastings thought it a particular period, when this state of distress, Chaitanya stated.

“All that Mr. Hastings did was, he stated that representation had been made to him of his unpunctuality, and he sent him to pay.”

It is said that Mr. Hastings could not possibly be mistaken on the subject, because of the intimation given by Mr. Fowke. I shall show with what degree of correctness these sentences are drawn upon the subject, when I produce a letter from that very Mr. Fowke, containing the complaint in which Mr. Hastings acted. It is supposed that Mr. Hastings could not possibly be mistaken, but that he must have fabricated a false and wicked charge, to draw the Raja to some act of violence, because of the letter from Mr. Fowke, which letter establishes his unpunctuality: and I will produce another letter from Mr. Fowke, which contains that very complaint that Mr. Hastings took up and read upon the Raja! That letter is written by Mr. Fowke upon the 16th of December; in which Mr. Fowke, after stating his misconduct in respect to the cavalry and the studied delays he had practised upon that subject,—

Letter of Mr. Fowke complaining of Cheyt Sing's delays.

As my own remonstrances have been ineffectual, it becomes also incumbent upon me to inform you that the Raja for some months past has been exceedingly dilatory in the payment of the money assigned to Ally's monthly allowance. He has not to this day discharged the sum which became due on the 4th of last month. The bills too for monthly kists, which used to be made out by the 15th of the month, are now never heard of till the end of it. It is true there is as yet no default in the days of payment, but these delays have been gradually increasing, and are the effect of an inattention to business which must in time produce a failure of payment.”

Immediately upon the receipt of this letter it was that Mr. Hastings wrote the letter in question, copying almost verbatim the charge he had received from the Resident upon that spot, and only desiring Cheyt Sing would discharge the arrears complained of by paying them to the Resident at Calcutta. Was it not the duty of Mr. Hastings to do so? If he had not done it, would he not have failed in the discharge of his duty, and might it not much more probably have been said that he wanted to draw on the Raja into that error and unpunctuality that he afterwards might make use of against him? Instead of which, he desires him to remove the cause of complaint. I would only observe here that it is possible to be mistaken without any malice, and I would rather have thought that Mr. Hastings' conduct might have been [differently] judged of. If he, in the midst of all the concerns of government, in the most

Mr. Hastings' letter to Cheyt Sing occasioned by that of Mr. Fowke.

Justification of his conduct.

accusation.

Question of
prosecution
regarding
making of
payments to
India.

I will not detain you
than to say, that, with
with it, the prosecutors
in order to account for
him to be in arrear, the
the Minutes, after obser
they made the observat
tended afterwards to pro
of payment in that co
another. My Lords, th
it never will be fulfilled,
the fact, for no such cou
that country; and that
both in their written e
testimony, the which the
they had consulted any
versant with the subject
appears upon the records
did pay in general withi
payment, but at that peri
delay, namely, in Octobe
January, 1781, at that w
sing period, accompanied
cavalry with these delays
And then it was that Mr.
time a bad and suspicious

Delay in
payment the
cause of

My Lords, I come now
stated by Mr. Hastings, y

SIR, for there certainly is no malice in the charge. A great 24 APR. 1702. deal of evidence has been given for the purpose of proving that the whole blame in respect to the distress of Colonel Camac's detachment rested upon Mr. Fowke, the Resident; and there has been a minute investigation of documents for the purpose of proving these propositions:—that the order to remit to Colonel Camac's detachment was upon the 7th of September, 1780; that it was communicated to Mr. Fowke, and would, probably, arrive there about the 15th of September; that Mr. Fowke, who had before that period of time remitted one of the five lacs to Calcutta, received upon the 10th and 24th of September one lac and a half from the Raja; and that it does not appear that Mr. Fowke, after he had received it, did remit the lac and a half that he had in his hands to Colonel Camac's detachment, in the province of Malway; but, on the contrary, it appears, by a letter written by Mr. Fowke upon the 18th of October, that he had not till then remitted the payments that he had received from the Raja, but that he did on that day remit some bills that he received from the Raja. The letter that I am speaking of begins in the 94th page of the Evidence, and runs through the two following pages.

The whole result of this inquiry as to the cause of this distress comes to this—that, with respect to one lac and a half, Mr. Fowke—for whom I am not counsel and whom I am not bound to defend—was to blame. It does not yet appear why Mr. Fowke did not remit that lac and a half. Whether he waited, as should seem from his letter of the 27th of September, 1780, upon the solemn promise that the Raja had given him to pay the remainder, which, your Lordships will recollect, was two lacs and a half; whether the non-payment of the remainder, operated to prevent the negotiation he was making for bills to remit the whole; or whether any other cause operated upon Mr. Fowke for the non-remittance of a lac and a half; it does not concern me to inquire. It is enough to state, that, with respect to the two lacs and a half which the Raja neglected to pay after he had notice, there is a delay imputable, justly so, to the Raja.

The Raja has said upon the subject that the remittance of the money did not depend upon him. It certainly did not; but the payment depended upon him, and it is the non-payment that he is charged with, when he had notice given him upon the 5th of August, 1780, by Mr. Fowke, the Resident, that this money was intended for a particular

Delay of Mr. Fowke in remitting part of the money.

Nonpayment by the Raja.

for four months of the
June, when it was de
it was finally paid;
chargeable, and for a
produced.

Letter of
Major
General
Sir

I will state to your
wrote on the 1st of 1
strongest terms the dis

" I arrived in camp the
orders for marching on the
great distress for provisions
was obliged to countermand
in my power. From the
Mr. Hicks, you will see the
advanced into the hills bey
from the badness of the road
From the utter want of money
the sepoys till they have not
single day's provision with th
for grain, being three month
them longer, and both are de
impossible to advance without
destruction to return. But th
enclosed, wherein you may
return if my letter had not ju
circumstances you may conceive
made use of to raise cash, eve
to my misery, the money which
expectation of from Benares, a
amount of two lacks and a half
so that there was forty and od
ordered the 15th September by
middle of that month I had told
way or other, and never plagued
feeling my hopes with this exp
this news, and had no resource
get them discomfited."

not by bills drawn at fifty-one days. It is very true that, applied to his rent, there was this engagement—that he remitted it to Calcutta the bills were to be drawn fifty-one days' date; but the Company had the option, in not to the rent, to make the demand at Benares, and if there it was to be paid in cash. The fifty-one days' therefore, applies only to remittances to Calcutta, and nothing to do with demands of this sort, supposing it been rent. In the next place, this was not the rent, the subsidy; and to that the contract of fifty-one days ways applies. The demand made was agreeable to his promise of immediate payment. If he had paid it, as he had to have done, your Lordships must suppose it would easy, when he had as much as four lacs of rupees in his hand, to have negotiated for much better bills, by the competition among the different bankers in that country. In that respect it seems to me that, notwithstanding I admit the evidence upon the subject of the lac and a half to have had a great degree of blame upon Mr. Fowke, yet, as to a nonpayment of two lacs and a half for four months, that still remains as a just charge upon Cheyt Sing, and the manner in which it was paid at last.

Assertion
that the
Raja had
liberty to
pay in bills
at 51 days.

Not true
with regard
to the sub-
sidy.

I hope I have said enough to show that at least Mr. Hastings might be justified in supposing this distress produced by the Raja, so as to exclude any idea of malice in his attributing the distress as having been occasioned by his delay. But, suppose I was to admit that no part of this distress was in any respect occasioned by the Raja, but that the whole of it was imputable to Mr. Fowke and to Mr. Fowke only? Mr. Hastings is charged with having removed Mr. Fowke as Resident at this very time. I do not mean to say that he was removed upon this ground. Undoubtedly Mr. Hastings did not advert to it; but it can never be supposed that Mr. Hastings intended in this business to screen Mr. Fowke, or protect him against any just charge. This person he is accused of having removed, not being a person of his own choice, to make way for one that had his confidence; therefore it cannot, under these circumstances, be supposed that there was any corrupt or sinister intention in the charge made upon this subject.

Possibility of
Mr. Fowke's
being
chargeable
with the
delay.

Another observation I would make upon it is this—that the evidence upon the subject not only excludes any idea of malice in Mr. Hastings, but, if it were to the full extent to

...of some other dis-
tressed, the nonpayment
with some distress soon
of June, as Mr. Fran-
had no money in their
twenty-eight lacs again
resources to go on with
the army and different
arrear—that there was
not only in Colonel
troops that were serving
at Puttygurr and Din-
ments—that we had en-
in every quarter—then
sily must operate to the
circumstanced as it then

Under these circumstan-
stated what his opinion
Cheyt Sing. And, my
severely accused again of
sation against Cheyt Sing
mind, altogether unfounde-
him, not only contumacy
file to the Government, w-
founded; that it is extrava-
it has been urged in argu-
ships will permit me, I will
ment which is not in evide-
Mr. Hastings, when he for-
the treasures of the Raja
did not believe him

Charge
against
Mr. Hasting
of
his serious
conduct
Cheyt Sing.

the sum of money to the relief of the Company's exigencies; that, ^{24 APR. 1792.} you consented, you were desirous of establishing his possession on the permanent and eligible footing, but, if he refused, you had in your view to raise a large sum for the Company by accepting of an offer which had been made for his district by the Vizier." *

My Lords, that is the argument against Mr. Hastings—That the charge could not be true, because he intended to settle on Cheyt Sing his zamindari upon him upon the most eligible footing; he paid a heavy fine for supposed offences which did not entitle him to it:—"if they had existed you ought to have gone further, and have deposed him and dispossessed him of his zamindari." I will now state what it was that Mr. Hastings has alleged the Raja with; and I will then submit to your Lordships the evidence that already appears, and the additional evidence that will be to establish every part of the imputed charge upon Cheyt Sing.

My Lords, the passage which is particularly alluded to in an Article before your Lordships, that states the pretences of Mr. Hastings to have been "allegations equally extravagant, untrue and incredible," is in the 112th page:—

"These instances of contumacy and disobedience, criminal as they are in themselves, and aggravated by the extreme and known distresses and dangers of the superior state [to which he owed, not only personal safety, but every voluntary aid which all the resources of his zeminedary could contribute, appeared to me of less consideration as such, than as they were evidences of a deliberate and systematic conduct, aiming at the total subversion of the authority of the Company, and the erection of its own independency on its ruins."]

That Mr. Hastings intended to settle on Cheyt Sing his zamindari.

Mr. Hastings' charge against Cheyt Sing.

He then states the various circumstances that have induced him to form that suspicion of him, and he then concludes:—

"Lastly, that he was collecting or had prepared every provision for open revolt, waiting only for a proper season to declare it, which was supposed to depend either on the arrival of a French armament or on a Maratta invasion."

My Lords, I will now advert to each of the allegations stated in this paragraph.

In the first place, Mr. Hastings states, that he conceived the conduct of Cheyt Sing to have exhibited "instances of contumacy and disobedience, criminal in themselves and aggravated by the extreme and known distresses and dangers of the superior state." Contumacy, aggravated by the known distresses of the Company.

* "Attestation of David Anderson, Esq.," dated 14 January, 1782.—Printed in the Appendix to Mr. Hastings' "Narrative of the Insurrection in Benares;" Part III. Num. ii. B.

My lands, I have, in that, submitted to your but for the purpose of not be controverted, by and documents that pa Sing, the fact of these obedience, in the way rep person, and felt by ever every Resident upon the of contumacy and disobed subject of the Governm that Government, to with and troops, in a time wh both? Does not every the gift of the state, u should obey the state, an state? Cheyt Sing did upon the express terms t trary to the fidelity he ha dary and all the rights an forfeited. I apprehend, clearly the fact of the i dience, and the additional the known distresses of t

Endeavour
to subvert
the author-
ity of the
Company.

The next point that Mr of them is, that they were tematic conduct on the par subversion of the authority of his own independency c a supposition extravagant.

that, in the event of a Mahratta invasion or a French ^{24 Apr. 1792.} armament, he might intervene ; that, with the co-operation of all our enemies in our then state of distress, when staggering under our multiplied difficulties in every quarter of the Government, that he might entertain a hope that an opportunity would present itself of effectuating that which was an object of his wish, namely, to establish his own independency. He could not hope to do it without first subverting the authority of the Company, because, while the authority of the Company remained, there was no hope for him to obtain his independency. That he had a wish for independency is a natural wish, recollecting how he was educated, that it was the wish of his father to obtain independency, that he stipulated with the then sovereign of the country to obtain that independency ; and it does not appear, therefore, an extravagant thing that Cheyt Sing, having a force consisting, as appeared in the field afterwards, of about 22,000 infantry and cavalry, possessing strong forts well garrisoned and well stored, having a considerable resource in his wealth, by which he thought himself invincible, should have expected that, if a Mahratta invasion took place, which your Lordships see the Commander-in-Chief thought fit to guard against by increasing our force, or if a French armament arrived, which all the Government expected to arrive daily, that, in either of these events, added to the difficulties we had to struggle with at that period, it should present an opportunity of accomplishing the wished for object.

With respect to its being incredible, I can only say that it was an idea credited by many persons upon the spot ; ^{Credibility of the charge.} that the Resident, Mr. Graham, in the year 1779, I think, or even before that, expressed strong doubts of Cheyt Sing's fidelity ; that Mr. Fowke, who succeeded him, gave account of his preparations, and stated that he collected his troops secretly, and concealed their numbers from him ; that Mr. Markham, who succeeded him, had every reason to believe that, if either of these events should take place, he would burst out into rebellion and endeavour to avail himself of it by obtaining independency ; that it was the belief of a military officer stationed near his country, a very deserving officer, whose testimony we have been deprived of by his death subsequent to the commencement of this long trial—I mean Major Eaton ; that he has expressed

secretly adjoining to the
had an opportunity of obs
of Cheyt Sing—it is in t
be there states—

“That he verily believes, from
the said Rajah was disaffected
for the subversion of the same.”

Deposition
of Major
Macdonald.

My Lords, that was the
who was stationed in the n
opportunities of seeing an
Sing and his people. I
Macdonald, in the printed

“That he is of opinion, from t
several persons who were inhabi
that the rebellion had been med
nent was informed the matter wa
and prevented only by the voice
judgment much deference was pa
of the rebel.”

It is, therefore, not the p
impute to Cheyt Sing that
was the opinion of other
the best means of knowled
therefore, be said to be an in

Facts war-
ranting sus-
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Cheyt Sing's
designs.

In the next place, that t
ranted that belief and suspi
mean to say that all these
but that, at this time, when
nounce that this imputation
when you couple all the fi
brought to light, that there e

idents there, that he used very extraordinary means for ^{24 APR. 1792.} salting and driving back any persons who were sent to catch them, in order to prevent the knowledge of it. That a military establishment was greatly and recently increased, appears from the indubitable fact of the state of preparation ~~was~~ found in when the rebellion broke out; and which ~~our~~ Lordships will find, by the list of forces which he had ~~been~~ able by his own strength to collect in arms in rebellion against the British Government, consisted of 22,190 [men],—including the nujib battalion sent from Fyzabad, of 1,000 ~~men~~—increased by husbandmen and others who took up ~~arms~~ with him to the number of 40,000. That all his ~~arts~~ were found in a state of great preparation for defence ~~certain~~ by the fact of what we experienced in the month's war, when he waged open war against the British Government. His stores were found in a state exhibiting every mark of the process of an European laboratory; some part, unquestionably, from the manner and make of them, were purchased from our enemies the French.

Now I should be glad to ask, for what purpose was this preparation? Why was it clandestinely concealed from us, 'it was meant to operate in our favour? Why purchase from the French those stores that he was to make use of against] them? Why conceal it from us, for whose benefit they were to be made use of? We find that he was not only increasing that establishment, but increasing it in a most suspicious manner, namely, by tampering with our army—by corrupting the sepoy; procuring them to desert and to enlist in his troops. This is stated by Major Eaton, in the affidavit which I have already referred to, wherein he states the fact of his having frequently inveigled his sepoy to desert from the garrison of Buxar. Why should he corrupt our army and endeavour, at a time of war, to seduce from the garrison the troops that were serving there? One of them mentions a fact of two persons who deserted and were made use of by Cheyt Sing to inveigle some of the sepoy away, and who were raised to the rank of officers in Cheyt Sing's army. It was practised by a commandant, who swore to the fact of overtures being made to him by Govind Sing, the brother of Cheyt Sing, in February, 1781, at the very time when he was refusing to assist us with his force.

In the next place, we find that he was making his country an asylum for fugitive rebels from the neighbouring country

Off-ring
asylum to
rebels from

The English
troops after-
wards re-
sumed to
attack the
Company's
troops.

had no money to assist
purpose was that done
afterwards made use of

Immediately upon the
very same persons, who
received in his zamind
attack the British force
the assistance of the Be
in the country of Chey
the rebellion—and who
with it. These persons
furnished with the mes
Fyzabad for Cheyt Sing
as instruments of Chey
British force in the ne
letter circulated all ov
English are, kill them
substance of a letter in
adjoining country. In
Mr. Hastings, and is p
encouraged his amils an
inhospitality and enmity
will not trouble your L
that Major Eaton made
against Cheyt Sing and
the neighbourhood for ar
to furnish him with it, a
that if the Firangis—and
anything, they should fig

One instance I recolle
in a boat and sunk. V
where they were, they c

as they walked along; that, upon sending a letter of ^{24 APR. 1792.} complaint to one of the officers of Cheyt Sing, he took the letter and stamped upon it, and said—"who is he?—he longs to the English;" and he, speaking of himself, [said] could raise 400 men, and if the English wanted it they must fight him for it. These were subjects which all passed before the rebellion: they were all communicated to Cheyt Sing. Major Eaton swears he could never get the smallest address from Cheyt Sing. Then it is not the mere disorders of the government, but there is the strongest ground to believe that Cheyt Sing was encouraging them to act the part they did. It was complained of to him, and no redress could ever be obtained upon the subject. Under these circumstances, I conceive it not to be an extravagant proposition, incredible or untrue, to impute to Cheyt Sing, that that positive misconduct in his intercourse with Government, and direct acts of contumacy and disobedience, did originate in a bad and hostile design—waiting for a favourable opportunity to carry it into effect.

Added to this general evidence upon a subject that preceded, we have only now to state the event. Can there be the least doubt now, when we see that, in the month of August, 1781, upon the first endeavour to bring this refractory zamindar to account for his conduct—upon the very first attempt—he bursts out into furious rebellion? On the 16th of August, 1781, he destroys our troops; he erects the standard of rebellion; there immediately flock and collect to it the army I have stated. Then it appears most clearly to what design all his plans and all his preparations were directed. Then it was that he made use of all that resource of wealth, largely and liberally, against us. Then did he set forth all the strength of his resources, to wage open war with the British power, and encouraged every person in that neighbourhood and in the adjoining country to oppose us. Then did he send out these rebels, in the way that I have stated, to effectuate the general purpose of his mind, namely, to subvert the English power and to establish his own independency.

Proof of his designs from the event.

Actual rebellion.

My Lords, when we couple the event with the previous suspicion and the conduct he had ultimately observed during the war, the opinion entertained by persons upon the spot seems corroborated, not only by the facts I have stated, but by the event; so that now no one can entertain any serious doubt what was the motive of Cheyt Sing for the uniform

Lordships, which did
and draw an argument
could have designed
and that he would be
at least, as addressed
that, if the fact of going
dispossessed of his zamindari

The next subject of
that he intended to

What was the intention

intention to be, from a

last, to call this person

authority of the Government

these bad designs, if he

executing them; to call

personal presence, to bring

and obedience; and to

the government of his country

In addition to the evils

was another crying grievance

I mean the total want of

government of his zamindari

that the kotwali, which is

had been the express gift of

From that period had the

gradually wearing out, till

exhibited that lamentable

disorder that, as I shall show

committed in the streets and

that the cries of the inhabitants

interpose and procure them

were in vain.

Chamberlain
Mr. Hastings
has been
treated ex-
cessively
persecuted
of Chetani
Sing.

Want of
police in
the pro-
vince.

vances that were existing in the country. All the 24 APR. 1792.
 lications made by Mr. Markham upon that subject had
 n ineffectual.

Chey Sing had, by the express terms of his sanad, under- Obligation
 en that he would expel robbers. That was made an on Cheyt
 press stipulation in the terms of his sanad; and, by the Sing to expel
 institution of Hindustan, where a zamindar is proved to robbers.
 re connived at or committed grievances of that sort, it is
 a ground for dispossession of the zamindary. Cheyt
 Sing had grossly connived at the wicked perpetration of
 s. inhumanities in the country of Benares, in that sacred
 ay, in a way that induced all the inhabitants of Benares to
 ply to Mr. Hastings, when he was there, to establish that
 rt of justice which he did, to the great blessing of the
 habitants, who have ever since experienced the best regu-
 lated police in that country of any country in India. There-
 re, there was a necessity for regulation: there was a
 ecessity for punishment. Mr. Hastings proposed both.
 He proposed it much short of what Cheyt Sing deserved.

It has been said, and made use of as an argument against Charge of
 he propriety of Mr. Hastings' conduct, that the intended fine excessive
 exceeded the just measure of punishment; that it was amount of
 beyond the punishment that ought to have been inflicted the fine.
 upon him. I will beg your Lordships' attention very shortly
 to that subject.

In the first place, I apprehend that, if your Lordships
 should look at this charge, it will appear clearly to any
 person who should be of opinion that all the other parts of
 Mr. Hastings' conduct were unexceptionable the magnitude
 of the fine only excepted—that at least he is innocent
 of this charge; because, in the first place, it would be
 impossible to substantiate thirty-two paragraphs because
 there is one of them that is true. If the fact were so—
 disbelieving all the rest and believing only that part of the
 charge that relates to the magnitude of the intended fine—
 if there were a separate and a distinct paragraph upon
 that subject, it would not be just or reasonable to convict
 Mr. Hastings and pronounce a judgment of guilty upon the
 whole charge, for the sake of one truth.

In the next place, if I was to admit that there was only Assumption
 one charge—that your Lordships could confine your atten- in the
 tion singly to one charge and to that point only—the charge Charge of
 of an excess of punishment upon admitted guilt is not con- Chey Sing's
 tained in this Article at all. Therefore your Lordships must innocence.

that the charge against
intended to extort me.
That is not the case
there was guilt, punish
necessary, if not so lar

It is impossible to st
Sing; that it was all n
idea of punishment wa
of stating it, your Lor
true, not for what it co
for something it does.
Your Lordships must al
thing, not that he actual
do but never actually di
difficulties in that way, it
alone, to substantiate a
it at all, and for someth
intended to be done.

The inten-
tion to
punish not
acted on.

In the next place, if
against Mr. Hastings—the
measure of punishment—a
leaves no other part of ac
to be equally clear that, if
it is no offence at all; for t
a misdemeanour is not itself
to do it may operate as an a
I admit, but, in the case
excepted, to intend to do wh
crime, for it never may be
cognizable by any human tri
I state this for the purpose

not right. I trust I shall be able to show that every 24 APR. 1792.
 that floated in his mind upon the subject of Cheyt Sing Justification of the intention to impose the fine.
 not only free from malice, but was pure and right, and
 erred at all, it erred in the extreme of moderation and
 in the extreme of its being more than he deserved. For
 indeed, is admitted to me by the argument I have
 adly stated, that, if the fact of guilt were [there], he
 ited dispossession of the whole? Was it an offence to
 and to fine him, as Mr. Hastings declared his intentions
 be, to impose a fine of forty or fifty lacs—the total
 sum of that your Lordships will recollect to be only the
 sum of one year's gross rent, and only equal to two years
 his net income—if he had forfeited his whole estate,
 had he had upon every ground? He had forfeited it for
 nonperformance of his tenure and the obligation that it
 posed upon him. He had forfeited it upon the general
 principles that make every subject liable to assist and obey
 sovereign—upon the tenure on which he holds his prop-
 erty: and it cannot be allowed to any subject to hold
 property from the state and not to pay obedience. I say,
 therefore, if he had incurred a forfeiture of his whole zaminy-
 ry, it was surely a moderation and not excess of punish-
 ment to intend to do anything short of actual dispossession.
 In what way are we to measure the magnitude of punish- Mode of measuring the proportion of punishment to guilt.
 ment, as applied to the magnitude of guilt? Are we not to
 consider the offence, the evil to society and to the public
 in it, the means of continuing it, the cause of it, the
 ability of the person to pay in the case of a fine, the ability
 of a person to atone for the injury he has done? In every
 way of stating it, your Lordships will consider whether the
 intended fine of fifty lacs can in any respect be said to
 exceed the just measure of punishment. It was his wealth
 that was the great resource to which he looked, and he
 thought himself invincible. That it was that fed his pride,
 that made him hope for the means of effectuating his object.
 It was that wealth that enabled him to corrupt our sepoy's,
 and to have the hostile preparations which he made use of
 against us. It was the withholding that wealth from the
 assistance of the Government that was the offence, and pro-
 duced the distress and exigency and peril of the Government;
 which he ought to atone for by making a just and a
 reasonable satisfaction to the Government, by contributing to
 the distressed.

productive estate to him
surely could not be to
him redeem the estate
payment of so moderate
of the sum is apt to in
ment inadequate to the
case a person holding
having personal proper
Let me suppose that
justly subjects him to th
he is called upon to rec
payment only of two hu
be a case more favourab
have stated, because th
personal wealth; wherea
could be made, this form
wealth of Cheyt Sing.

*Moderation
of Mr. Has-
tings.*

But, could it be said t
hundred pounds, for an
of a man's property, was
ject of information? M
with the same moderatio
respect to Cheyt Sing—n
till punishment was ma
recourse to that degree o
to operate as a reasonabl
as an atonement for his
that length to which, a
might be warranted in g
him of his zamindary.
these two accusations of M
ting the fact of Cheyt

complete dis- n; and he has, upon the admitted state 24 APR. 1792.
 guilt, asked that moderate punishment to it which
 might be likely to be effectual. In stating that, it will be
 collected that I do not mean to say, that, if Mr. Hastings
 fully known all that I have stated, he could have been
 warranted in forbearing to dispossess him of his country
 together.

My Lords, having now endeavoured to justify Mr. Hastings in respect of what he intended to do towards Cheyt Sing—which is expressed in the attestation of Mr. Anderson and the affidavit of Major Palmer, and also communicated to Mr. Wheler, and which states his intentions to have been to impose a fine of forty or fifty lacs of rupees; and, in that case, it was paid, to settle his country upon him on the most eligible footing; that he proposed to go up to the country for the purpose of making the necessary regulations in the boundary of Benares—it appears, by the same evidence, that he states, what is also made matter of accusation in this charge, that he had it in his power, if Cheyt Sing did not submit to pay that fine upon him, to dispose of the country to the Nawab Wazir. That is made, as your Lordships recollect, the subject of accusation in the nineteenth paragraph of the charge, which states—

“In further prosecution of the design aforesaid, he did, in direct defiance of both the letter and spirit of the said treaties and agreements, wickedly and maliciously enter into a clandestine negotiation with the Vizier Sabob of Oude, whom the said Warren Hastings well knew to be the ancient and hereditary enemy of the Rajah and his family, and, from the enmity of his father, the said Rajah's family had been secured by the British power in the year 1765, for the express purpose of selling the territories of the Rajah to the Vizier for a sum of money to be paid to the said East India Company.”

I shall certainly detain your Lordships but a few minutes upon this charge, because it seems to me, in the first place, to be pursuing an intent of Mr. Hastings in a very remote degree indeed, if the subject of it were criminal. It is an intent upon an intent. The first intent was to impose a fine upon him. If that intent were carried into execution—which was not quite certain—and if Cheyt Sing did not submit to pay it, then he had it in his power to adopt some means of transferring that country to the Wazir. Upon what terms was he to do it? What was the negotiation? In what stage was it? Nothing more than this, that some loose idea had been thrown out that he had it in his power to do it. That

Charge that Mr. Hastings intended to dispose of the country to the Nawab Wazir.

to the ruler of the C
him, *in statu quo*, by
which we had taken fr
look at that as a poss
event took place?

That it was
contrary to
the agree-
ment with
Chet Sing.

This would in itself
been no offence at all.
It was contrary to the
with him. How is it c
agreement with him?
lease of his zamindary.
spirit of the treaty to t
bought—to sell it back
a landlord who had let
not sell his tenement!

Then it is supposed th
from the enmity of that
the Wazir would operate
If we had always before
sovereignty, and done i
not to be supposed we s
If we had always made u
tier country, as a medium
not probable that the sa
conduct? Therefore, I
seems very extraordinary
instance of Mr. Hasting
Sing.

Charge of
delegation
of power.

There is only one other
up to Benares, which is,
stated that this was also m
to obtain a delegation of

delegation was illegal, because it was without any authority given him so to do, either by the East India Company or by any Act or Acts of Parliament. 24 APR. 1792.

The evidence upon this subject is in page 103. The argument to prove it to be illegal has been—first, upon the ground of a standing order of the East India Company, in the year 1702; upon the regulating Act which passed in the year 1773; and upon a subsequent order, made in respect to the military power of the Governor General, in the year 1778. Your Lordships will find the evidence upon this subject not contained in the 176th page of the printed Evidence. Arguments to prove its illegality.

In the first place, with respect to this order. It is stated to be a high crime and a misdemeanour in Mr. Hastings not to have adverted to a standing order that passed in the year 1702. I think that order has not been proved to have had any existence at all, at any period of time subsequent to that date; because, though evidence has been given of the transmission of the standing orders of the Company, in the year 1753, yet I do not observe that there has been any evidence adduced to prove that this was amongst them. In the next place, no evidence at all has been adduced to prove that what was transmitted in the year 1753 was in existence at Calcutta subsequent to the year 1756, when Calcutta and all the muniments in it were taken, and, I believe, all the muniments in it destroyed: and that was particularly pointed out to the prosecutors at the time they were going through this evidence. The order of 1702 passed prior to the establishment of the present Company; for it was when there were two companies, and when all their possessions consisted, I believe, of what did not extend beyond the boundary of the Mahratta ditch. Subversion of a standing order of 1702.

This order of 1702 relates to three things. First, to direct, as a general regulation, that all our affairs are to be transacted in Council; next, to direct that all the members of Council shall be resident upon the spot; and, thirdly, that all our officers, in case of equality in Council, shall be determined by lot. I believe, with respect to all that is specific in this order, it has been totally obsolete for above forty or fifty years; and, with respect to part of it, it is directly revoked by subsequent orders upon the subject. I mean, in particular, with respect to the residence of the members of Council upon the spot; for, from the time that we have had any other place for them to reside in—from the time that they have had other establishments up the country—from

The order obsolete or revoked.

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bers of Council at Calcut
deliberation with the coun
to be renewed in the year
gave evidence of the tran
recite the custom to appo
Chief of Cossimbazar, and
oil eligible to that place.
order—that no other men
any other place, but that
in the year 1753. And,
they expressly repeal that
the Company's servants w
1766, upon the 21st of N
they have no objection to
attendance can be dispense
factories. Upon the 23d
idea of local residence, and
sist of nine; that they shal
be resident at the Durbar.
Upon the 24th of Novemb
upon the subject, they state
confining the residence of
satisfied it is not attended v
no longer desist from revok
the same, considering that t
will be greatly promoted.
in which they have given
the year 1702 being violate
the shelf that order, where i

memory of man to prove its existence. With respect to the violation of the order of 1778, I beg to say that it has not the smallest reference to the subject; for it merely directs that the Governor General shall not, as such, possess military command beyond the fort and garrison of Fort William in Bengal: and that same order states that, when he finds occasion to leave the Presidency of Bengal, he shall be attended with his usual guard. This was to prove an order subsisting for local residence, which provides for the care of the Governor General quitting the Presidency: it only confines his military command. Why, Mr. Hastings' military command was confined and always so; but, when general powers were given to him, when the whole power of the Council was to be carried with him up the country for public purposes, it followed, as a necessary consequence, that the military power would be subject to the civil power just as much up the country as it would be while the whole power of the civil Government was exercised at Calcutta.

24 APR. 1792.
Violation of
the order of
1778.

With respect to the Act of Parliament of 1773, that also appears to me to have not the smallest application to the subject; because that Act directs, in establishing the Government, that they should possess all the same powers the President and Council did before. If, therefore, the President and Council did possess these powers before, the Act does not mean to take them away, but expressly to give them to the new Government. That act, therefore, instead of proving anything for that proposition, if I establish the usage, proves expressly the reverse, and establishes the legality of all the powers exercised by the Governor General upon this occasion. The question, therefore, seems to resolve itself into this point: what were the powers exercised by the President and Council antecedent to the regulating Act; for, whatever they were, they are to continue and to be exercised subsequent to the period?

Imputed
violation of
the Act of
1773.

Now, upon looking into the records, your Lordships will find an uniform series of them from the year 1760, when Mr. Vansittart was sent up with full powers, down to the period that I am now speaking of. You will find the actual exercise of such a power by the Government upon the spot—to delegate the whole power of the Council to a person, when they found it expedient for public purposes, to visit the provinces, or to negotiate, or to treat generally or particularly with any of the native powers of Hindustan. The only instances I shall refer your Lordships to, in addition, are—

Precedents
of delegation
of power.

...to
the delega-
tion of
power.

Sanction of
the practice
by the
Directors.

were given to Lord Cornwallis. I think the Assembly not to have decided any thing. There is nothing in the Charter that imports anything of the kind. It declares the powers given from the beginning, and it is proper to do so, when it was given. Cornwallis took in 1794 a settlement, not immediate, but when he was at the place and carrying with him all that place. In the instance observe that the East India Company, Lord Clive's delegation, and of all that was done in the letters that we shall lay before you will not particularly trouble you with a graph, which seems to import at home, in 1765, as to the terms,*—they state, in the 24th of December, 17

* We remark with pleasure that the Assembly And they expressly state, 1766,—

* We determined that the President had authority to any civil servant the same. The idea, therefore, of the establishment of a new

It is essentially necessary to be possessed by every sovereign authority, wherever it exists, and which must be considered as existing in that remote country, exercising complete sovereign authority as between them and all the powers of India, all the persons under their government, it is a necessary essential power that they should be able to delegate some person to carry with him all the powers of Government to those persons with whom it was necessary to treat, to settle, and to arrange matters. It is perfectly well known, the great importance that there is in the personal presence of the member of the Government. It is well known, the possibility in some cases of treating through the medium of agents, or by means of correspondence. If you cannot bring the powers of India to Calcutta, in that large and extensive empire, you must either all go up to them, or be able to delegate some individual to go up to negotiate with them. It is necessary for the prosperity of our affairs that such a power should exist.

24 APR. 1792.

Necessity of
delegation of
powers of
the Govern-
ment in
settling
treaties.

Am I to be called upon to point out the clause in the Act of Parliament in which the power is given? No; it is enough for me to say there is no clause against it. If for the good of the service it does exist, and has always existed and been exercised, it seems to me that that is sufficient to establish its legality, and that that new Act gives to the Company the power which was exercised by the old one. If I am called upon to justify all the powers that have existed and that are every day exercised, I should feel myself at a loss to do it. We know how their powers have grown up with their government in that country; the charter being originally such as was adapted to a trading company merely. If you are to pursue the idea that delegates *non possunt delegare*, you must say that the Company, who in the first instance delegated authority, had not the power of war and peace to give their servants abroad, or any of the other powers they are exercising every day; but we all know that these powers have been found to be necessary. They have not been made the subject of express grant or express regulation. The Government here have debated in a degree with respect to the right to these territorial possessions; but the exercise of that power has grown up with their possessions; and this has been a power exercised by the Government there from an experience of its utility and necessity.

Absence of
prohibition.

Delegation
of power by
the Com-
pany to
their ser-
vants.

most instances word for word of the charge. Lord Colman stated, in their opinion, going upon an important principle, to regulate what an idea but that it was laudable but the precise power, to the necessity of the case, the propriety of it dictate what convenient occasion calls for. The service and the good therefore, if there was a finding to me it removes all idea of illegality in the act that was done.

My Lords, I have dwelt upon arguments against the legality of the act, as I conceive the Council, under that authority, year 1781—have been resorted to of the powers that were given. It has been justly argued, that when the Council had been convened, if the Council had been convened, if the Council was not full and complete, it consists of two or of three, the legality must be the same as if the Council by the Act were convened, therefore, all the Council could do when they convened. Mr. Wheler.

Argument of
illegality of
the power
conferred
from the
Council not
being full.

management of the zamindary; to form such arrangements as were consonant with the engagements subsisting between the Raja and this Government. From whence it is proved, either that Mr. Hastings had not the intent to do it afterwards he actually attempted to do, or that, if he did it, he was conscious it was not a proper thing to bear light and to put upon the records of the Company. I observe that exactly the same thing was done with respect to the powers that were given to the President in the year 1773. The instructions for the conduct of that President, who was going up then with a delegation of power, were ordered not to be entered upon the consultations, that they might not transpire, because, if they did transpire, it might have an improper effect; and, therefore, it was the opinion of the Government in 1781—or of Mr. Hastings in the year 1781—that to have stated upon the records of the Company that he was going up the country, for the purpose of calling Cheyt Sing to an account and of imposing a fine upon him, would have been improper. In the first place, when it rested in intention, to be governed by events, it is not right to be put upon the record. In the next place, if it had transpired it could have had no good effect, but it might have had a very bad one; for if the Raja had afterwards resisted, it might have been said—"He did resist because he knew what you were coming up for; he knew you were about to inflict severe punishment upon him." In the next place, as to any argument derived from Mr. Hastings wishing to conceal it, that is sufficiently obviated by the proof there is of his actual notification of that purpose to Mr. Wheler, his colleague in office. The putting it upon the records of the Company could do no more at the time than communicate it to Mr. Wheler, and to Mr. Wheler private communication answered the same purpose. He communicated it to Mr. Wheler, and received his approbation as to what he conceived of Cheyt Sing and his proposed plan of conduct respecting him; and that seems to me a more proper mode of executing the same thing.

24 APR. 1792.

were not put on record.

Justified by precedent.

With respect to the generality of the powers, I conceive the fair argument to be derived from this is, that Mr. Hastings had no design to dispossess the Raja. He certainly did not. He meant to do something short of actual dissection; and from thence a fair argument, as it seems to me, arises, that Mr. Hastings, who is supposed uniformly to have pursued as his object the ruin of Cheyt Sing, should

The generality of the powers.

I have already stated
 of Mr. Hastings in regard
 regulation of the police
 —a subordinate one.
 gives to Mr. Mackham
 him, that he meant to do
 the commerce in the
 been many complaints,
 arranged for the country
 regulate this machinery
 was of itself a fit object
 was going to the U
 with the Nawab Wazir
 meeting the minister of
 the purpose of getting t
 confederated states. W
 proceeded to Benares.

The next subject for p
 proceedings that took pla
 The first subject that is
 the whole of the proceedi
 the 22d paragraph of the
 ings at Benares are all st
 paragraph—the first respo
 ings and Chert Sing. C
 purpose of meeting Mr. Ha
 Sing come attended to that

My Lords, it will appea
 have to refer your Lordshi

CONCLUSION OF THE SPEECH OF THOMAS PLUMER, ESQ., COUNSEL FOR MR. HASTINGS, IN DEFENCE UPON THE FIRST ARTICLE OF THE CHARGE, RELATING TO BENARES; 26 APRIL, 1792.

WITH the permission of your Lordships, I presume now 26 APR. 1792. to resume the consideration of the first Article of the Charge, the point at which I left off when I had last the honour of appearing at your Lordships' bar, hoping to be allowed by your Lordships' favour to conclude, this day, what I have remaining to offer upon this subject.

Your Lordships will recollect that the point at which the consideration left off last was the journey to Benares; and, having already considered what the charges against Mr. Hastings are respecting his intentions of proceeding against the Raja, prior to his going up to Benares, the Charge now takes up what he actually did at Benares—the conduct of Mr. Hastings and the conduct of Cheyt Sing.

My Lords, the first point which is contained in the 22d Terms of the Charge. paragraph, upon this subject, is,—

“That Mr. Hastings wickedly and maliciously undertook this journey to Benares, the motive and the object of it being to harrass and oppress and ruin Cheyt Sing, and to extort large sums of money from him without any just and reasonable cause;” Extortion of money.

and the Article states this to be aggravated—

“although Cheyt Sing had a short time before, knowing the malice of the said Warren Hastings, offered to pay the sum of twenty lacks of rupees for the service of the East India Company.”

Upon this subject, Mr. Hastings is charged, in his conduct personally towards Cheyt Sing, with having been guilty of wanton cruelty, and of tyrannical and oppressive conduct, Cruelty and oppression towards Cheyt Sing. notwithstanding the most humble submissive demeanour on the part of the Raja. It is imputed to him that the rebellion that took place was raised by his violence, breach of faith and oppression; and the expulsion of Cheyt Sing is one of the acts charged upon him as a high crime and misdemeanour.

My Lords, with respect to the object of the journey, Mr. Hastings has stated the transactions at Benares to have been but a secondary and subordinate object; the primary Object of the journey to retrieve

the Director
General of the
Company.

with a very inferior
other, with the Mahr
Mahrattas had been
stated, in repeated
they must derive all
that at that time a
addition to the other
written by Sir Eyre C
and Bombay represents
pagodas a month, even
Bengal, that the army
country reduced to ruin
both with money, and
subsistence; that at the
greatest distress, the army
in arrear, the treasury
her, 1780, it was represented
to the Directors at home
the necessity of a considerable
pension, of their investment
My Lords, I do not urge
for intending to impose upon
he deserved. Mr. Hastings
of the Company as a reason
voured to justify that mea
show that, upon consideration
ally done, the intended fine
my Lords, I state what was
affairs at that period of time

and that it
is the fact.

Object of
the journey
to procure
resources for
the Company.

possible, to obtain the liquidation of that debt which was the only resource to feed all the various exigencies that were pressing upon us at that period. It was incumbent upon the Government to endeavour to effect this, if there was any least chance of success. I hope it will be sufficient to show that the obvious motive for it was not that which is imputed—a design to ruin Cheyt Sing, but that it arose from a desire to endeavour, if he could, to obtain some resources for the relief of the Company's affairs.

On another point of view, it has also appeared to me fit to report to that state of distress as a considerable aggravation of the guilt of Cheyt Sing—to account for why Cheyt Sing should conduct himself in the manner that he did; and, in the earlier periods of it, been induced to resist the orders of the Board by the dissensions in the Board, and forwards to do it, by the distresses that hung upon the company.

Cheyt Sing encouraged to resistance by the Company's distresses.

My Lords, it has been said—"Why did Mr. Hastings go to Benares with so small a force, if he believed Cheyt Sing to be meditating resistance against the Government?—Why did he not take a sufficient force to prevent it? He could not believe it to be true, because if he had, he would have taken the proper means to prevent it; and if he did not believe it, then his conduct is arbitrary, tyrannical and oppressive, in imputing to him guilt that did not exist." My Lords, I have already examined that subject, as to the reality of Cheyt Sing's designs and the reality of his guilt; but I do admit that Mr. Hastings did not at that time believe—what afterwards turned out to be the fact—that he did not believe at any time that he had designs of immediate resistance; but that it was to depend, as Mr. Hastings has expressly stated, upon one or other of two events—a Mahatta invasion or the arrival of a French armament; that he had only put himself in a state of preparation for open revolt when an opportunity should present itself. That Mr. Hastings did not, in point of fact, expect immediate resistance—that he did not think Cheyt Sing had arrived at that late when he would attempt it—undoubtedly is the fact; and without which I should be at a loss to explain the consistency or propriety of Mr. Hastings' conduct in not intending absolutely to dispossess him of his zamindary. But with the idea that Mr. Hastings entertained, that, though he had bad designs, it was yet not entirely hopeless to bring him back

Objection of Mr. Hastings going to Benares with a small force.

Disbelief of Mr. Hastings in Cheyt Sing's state of preparation for resistance.

Desire of recalling him to a sense of his duty.

26 APR. 1792.

proceeding with an ar
Board upon a refractor
fore, to have been a wi
the forces for that purp

But I think that the
a force may very justly
is here imputed to Mr. H
the ruin of Cheyt Sing.
had been pursuing that a
years together, when he u
execution, he should tak
which is supposed to be
his conduct; and that ha
for that purpose, he shoul
person to execute it? O
ment against the imputati
to ruin a zamindar, in li
that he should not take the

*The applica
tion of the
Board is proved
of justice.*

But it is said that the co
vated because of the offer
Sing, and that that offer
Hastings' malice against him
upon that subject is the a
says, in page 273,—

“The Governor General further
conversation that an offer from the
to him of twenty lacks of rupees f
for his failure of engagements.”

That is the whole of the
which they state the cause of t
ledge of Mr. Hastings' malice

who were to call him to account and to punish him not 26 APR. 1792.
 accept it.

In the first place, the sincerity of the offer and the proper
 solution of it your Lordships will judge of, perhaps, from
 the whole of this person's conduct, in which he had certainly
 been making an offer and amusing and delaying the Govern-
 ment from the beginning. Your Lordships will judge whe-
 ther, if he had made that offer and no steps were taken to
 enforce it, there was any probability it would have been
 complied with. But if the judgment was that he ought to
 have forty or fifty lacs imposed upon him, and if what he
 offered was not a moiety of it, that affords no argument
 against the propriety of the intended conduct with respect
 to Cheyt Sing.

The next thing adverted to is the conduct of Cheyt Sing Conduct of
Cheyt Sing
at the meet-
ing with
Mr. Hart-
ing.
 at the meeting with Mr. Hastings, upon the 14th or the
 15th of August and on the following day; at which time, it
 is represented that the humble and submissive demeanour of
 the zamindar's conduct ought to have disarmed all idea of
 his entertaining any bad designs against the Government,
 and must have afforded the most complete proof of his fidelity,
 attachment and obedience. My Lords, he met Mr. Hast-
 ings at Buxar; and the Article enumerates with great par-
 ticularity all the minute circumstances of his external
 demeanour that were exhibited at that place. He went on
 board Mr. Hastings' boat; communicated with him upon the
 subject; and the Article states—

"That he did, by every means in his power, endeavour to pay every
 mark of respect and attention to the said Warren Hastings, did express
 the utmost distress and concern at having given any supposed cause of
 offence to him, and assured him that his zemindary and all he possessed
 were at his devotion, and did accompany his words with actions strongly
 expressive of his sincerity."

My Lords, these are the passages selected from the
 Narrative of Mr. Hastings of the conduct of the Raja at this
 meeting—and I should have thought that, when it was
 professed to give what actually passed at that meeting and
 the conduct of the Raja upon it, it might have been as well
 to have stated the whole of what passed, and not to have
 described it in the manner the Article does—that it was an
 admission that he expressed his concern for a supposed
 cause of offence; when the account from which this is taken
 states, that, upon its being stated to him what the charges
 were against him, he expressly admitted the truth of them—
 not that it was a supposed cause of offence, but he admitted

been some days in my suit, and accompanied his words by an agitation of his mind or his desires, sincerity,—by laying his turban on the ground, and saying, "I have seen Ousan Sing nor concerned to be a party in his family dissension; him and him only; that what he said of my displeasure was true; and the causes of it—that I had been able to make protestations, and should not suffer my duty to be overruled by any verbal promises made with little cost and little pledge nor warrant to credit them; my charges against him, admitted to be true, but desired that I would forget them for his future behaviour."

It is stated that the Raja made marks of his sincerity. If he was he sincere in what he said of his guilt. If the charges then made against whom they were directed, they are stated in the next paragraph to be reduced into writing against him, "wicked and malicious," having been proved true by the person against whom they were made. It can hardly, likewise, be true that when they were exhibited against him in his written answer, in direct denial, he entered into what is stated to be a full denial. There is thus a contradiction of the Raja at one time and another, in admitting his guilt.

What is here described to have been, in the very same page 26 APR. 1792.
 —“a great fleet of boats, which, as I afterwards learned, 2,000 armed
 were crowded with two thousand armed and chosen men.” men.
 My Lords, that circumstance was altogether overlooked!
 But we are told that all this preparation was mere compli-
 ment and intended as matter of respect. It is a singular
 instance of respect to be shown by a zamindar to the repre-
 sentative of his sovereign, who came with a very small suite
 and attendance, that he should meet him with an army;
 that he should come down with two thousand men and eleven
 hundred cavalry; and that as a mark of respect to that
 power to whom he had constantly represented his inability
 to furnish them with one horse! It is a singular instance
 of compliment, that he should show the parade of eleven
 hundred horse, when he had constantly represented that he
 could not furnish the Company with one; for, though he
 made a talk about five hundred, he never mustered a single
 horse!

In the next place, I think it could hardly be thought ^{Contrary to}
 matter of compliment, when it is considered what are the ^{usage.}
 established ceremonials even between equals. To state an
 instance to your Lordships:—when Mr. Hastings went to
 meet Suja-ud-Dowla, and Suja-ud-Dowla learned that he
 came with a small attendance, Suja-ud-Dowla dismissed the
 attendants that were coming down with him, [as it] might
 be deemed incivility between individuals, if he came with
 a larger suite than the person who came to meet him. It
 could hardly be considered as a mark of respect, that a person,
 who must be considered as being in an inferior situation,
 should come down with a superior force to meet the repre-
 sentative of his sovereign.

This fact of his coming with a superior force does not ^{The fact of}
 stand merely upon the account given in this passage in the ^{the armed}
 “Narrative,” but is verified by several depositions, and one ^{force veri-}
 of an officer in Cheyt Sing’s service at the time, who was ^{fied by}
 actually executing the orders of Cheyt Sing upon that occa- ^{evidence.}
 sion—a commandant of eleven hundred men in the service
 of Cheyt Sing, and who was one of the persons engaged in
 the rebellion afterwards. Your Lordships will find this fact
 stated in three depositions:—one in page 235; another in
 248; and a third in 249. It appears there that Cheyt Sing,
 upon the intimation of Mr. Hastings’ proposed journey to
 Benares, had given directions for the collection of this force;
 that it consisted, I think, by different accounts of it, of about

any doubt respecting the affidavits seems to me it was the Raja's own decision will find in this at Evidence], an account of people, in these words—

*Affidavit of
one of Chyrt
Sing's fol-
lowers.*

“The Rajah Chyrt Sing had with his confidential people to meet Mr. Hastings, but it was with such a force and was to act both by land and by gentleman with an idea of his had with him but a small number entertained any ill intentions towards force of his followers, he would effected and, consequently, before he gave information and attendants that he was going to hold themselves in readiness for which purpose a fleet of boats would come by water, and, even with him, it was necessary that his people might be always should proceed by land, and then nagur and Buxar, for at all events Accordingly, on the 16th of Shab by water to meet Mr. Hastings. Khan, Dillal Khan, Jurtoo Khan, Kanna Mull, Rambukah Baulkia horse, also jamaadars of foot with proceeded along the southern bank Rajah was attended by a fleet of forty, in which were embarked Sa Mirza Fyz-ullah, Bug Baulloo, Dooder Sing, Dood Bahadur Ally, &c. Sheakh Mahomed Aur taloon, Dabee Sing, Mahomed

aying him by land and by water with the force that is 26 APR. 1793.
 re stated. I should have thought that, when it appeared
 re was this force, and when there was evidence, which is
 fore your Lordships, of the declared purpose for which
 was collected—I should have thought it just as
 sterial to be adverted to as the circumstance of offering
 and presenting his turban in the lap!

But your Lordships will find that nothing, in point of The troops subsequently stationed at Shewalla.
 act, was actually done by this force at that time. It appears,
 y one of the commanding officers, that this force returned
 ith the Raja and was stationed in the neighbourhood of a
 lace called Shewalla.* Your Lordships will please to
 recollect that name—an unfortunate name for the British
 force—round which and in the neighbourhood of which was
 stationed this prepared force—collected, officered and in-
 structed, in the manner that I have stated, prior to the
 arrival of Mr. Hastings.

Mr. Hastings, when he came to Benares, is stated to have—

“wantonly, arbitrarily and tyrannically, degraded and insulted, and falsely accused him, the said Rajah, of certain acts of misgovernment, and of disaffection and breach of faith and duty to the East India Company, and of other crimes and offences, which said pretended offences were set forth in a certain paper writing, delivered or ordered to be delivered to the said Rajah, by the said Warren Hastings;”

and then it states that the Raja did, in the most submissive and humble manner, either fully deny or offer a complete justification of himself from the false, wicked and malicious, charges brought against him.

Now, my Lords, the charges are stated in a letter that Mr. Hastings' charges against Cheyt Sing.
 was sent to Cheyt Sing, and which is in the 115th page,
 and the answer to it is in the following page. The accu-
 sations against Cheyt Sing exhibited by Mr. Hastings relate
 principally to three subjects:—first, his misconduct in
 respect of the subsidy in the year 1780; secondly, the
 demand of cavalry not being complied with; thirdly, the
 breach of those engagements in respect to the police. It is
 stated that all this was “false, wicked and malicious.” I
 have already troubled your Lordships with the discussion of
 that subject. Whether it was false, wicked and malicious,
 to charge Cheyt Sing with neglect of duty in these instances
 and upon these subjects, or not, your Lordships, who have
 heard the evidence, will decide.

* Shewalla Ghat, the locality of Cheyt Sing's palace in Benares.

of fact, that, from the 1st of
prior to the year 1778,
from his arrival, he says—

— I observed all the orders
my Bessy Suddanund to y
you the firmness of my obe
particulars of my situation
towards me. He arrived at
everything in a proper ma
degree from these professions

That is his assertion.

Speaker of
House in his
service.

truth? Your Lordships
with respect to the horse
I will call evidence to
he had in his service
thousand. He has sta
horse, and, as a substit
barkundares. I will pr
to muster one. So muc
justification upon both th
and the demand of horse
his letters. With respec
says—

Then this is
asserted that
given to his
later re-
sponding
subsidy of
time for his
subsidy.

“ In this manner I comply
you sent me for the payment
expences of the war. I sent
your letter. Afterwards, havin
and 70,000 rupees, I sent a le
to enable me to make some pr

He urges, that no answer
for his noncompliance w
that subject. This letter
gave it to Mr. Powke to

Mr. Powke's
signature to
this letter.

erty and urging them for three or four months time to that which he ought to pay immediately. When he ^{20 APR. 1792.} ~~ed~~ that to Mr. Fowke, Mr. Fowke said the necessities of the Company were pressing, that it had the appearance of appropriation, and that, when he considered the wealth of Cheyt Sing, had from his father, his pretences of ~~erty~~ were ridiculous. Notwithstanding that, he sends a ~~ter~~, knowing that it was ridiculous and knowing the falsity of it; and because no answer is sent to that letter is his ~~imple~~ justification for not obeying the order of the Board. Now is it true that no answer was sent to it? The letter ^{Order actually sent from the Council in answer to the letter.} ~~as~~ read in the consultation on the 7th of September; and ~~on~~ that very day the most substantial and, what ought to have been, the most impressive answer was sent to that ~~letter~~; for it appears, in page 93 of the Evidence—

“Ordered”—after reading this letter—“that Mr. Fowke do inform the ~~Rajah~~ that the Board are much displeased with those affected delays, ~~showing~~ his ability to make immediate payment of the subsidy, and that ~~to~~ peremptorily require him to discharge it.”

The letter was sent to Mr. Fowke, who says he has communicated it to the Raja, that the Board censured his letter, knew his ability, and required payment. That is ^{False statement respecting his offer of horse.} ~~his~~ complete justification! He says, with respect to the horse,—

“You desired me in your letter to inform you of what number I could ~~afford~~ to station with you, and I sent you a particular account of all that were in my service, amounting to thirteen hundred horse, of which several were stationed at different places, but I received no answer to this.”

In the first place, that is not the representation he sent down, for he made an offer only of two hundred and fifty. In the next place, he did receive an answer, for Mr. Markham was sent up with an answer to him subsequent to that letter, which he delivered upon the 7th of January, 1781; and Mr. Markham, who went up in February, carried the orders from the Governor General and a parwana to that effect, requiring him to send the horse; and he admits it just afterwards, which is a considerable inconsistency, for he says—“I received no answer: Mr. Markham ordered me to prepare a thousand horse.” Was not that an answer? He then says he told Mr. Markham that they were ready to go to whatever place they were to be sent to. “No answer was sent upon this head, and I remained astonished at it.” Why, when Mr. Markham had been all along constantly pressing

...repeatedly, monition to him, and doubt respecting his justifications!

Clayt Sing's
false
answers to
the charges
of England and
the submission
of justice.

With respect to justice, he says,—“I injunctions, and have they shall keep no penalty bond! So he from him not to do it; and violated in a place, namely, in the city of immediate government. otherwise? But, if ever in the country, I have punish the culprit.” This prove to be directly [false] swerved in the smallest degree is his assertion. If that been stating, and which you by the prosecutor, in part, that is false from the beginning, therefore, that I have shown Sing's, which is held up as at least with respect to all in point of fact, or satisfaction.

Alleged submission
of Clayt
Sing's letter.

But it is said that Mr. Hastings—a despot—to consider this is stated by the honourable [?] its extreme servility, from mission, yet did Mr. Hastings. And the honourable [?]

“**Anything that indicates real submission? I should rather** 26 APR. 1792.
thought it would have been a letter more deserving of
its character if he had done what Mr. Hastings says he
not do. He says it was “less a vindication of himself
 in a recrimination on me.” So it was; for, instead of
 admitting himself to be at all to blame, he throws all the
 blame upon the Governor, and says—“it is all your fault,
 because you would not answer my letters.”

Mr. Hastings says—“It expresses no concern for the It contained no concern for the causes of complaint.
causes of complaint contained in my letter, or desire to
do one for them, nor the smallest intention to pursue a
different line of conduct.”

My Lords, in all these respects I think it was defective in
submission. It would have been more a model of a sub-
missive letter if it had given some hope that he was sensible
of his guilt and meant to avoid the repetition of it; that he
was willing to make an atonement for it, and express some
concern for what was past; when, after an admission of his
own guilt in person, he could be brought the next day,
when he had got among his friends and adherents, to write
a letter in answer to these charges which were proved, to
say,—

“I do not feel myself in the least to blame. You have not done
your duty; the fault is yours; you did not answer my letters. But, in
all that respects me, I have never swerved from my duty.”

If that was his idea of his duty—if he thought to resist all
the orders of Government for four years together was a fit
discharge of his duty, it was high time to teach him a
different lesson. It was very little to be expected that a
man who could conceive this to be a discharge of duty would
not conduct himself in the same way in future; and, there-
fore, if it was proper to prevent the repetition of such
conduct, it was certainly necessary after this to take some
means for teaching the Raja that that was not a due per-
formance of his duty.

Mr. Hastings says that he considered this answer,

“Couched in terms of defiance to requisitions of so serious a nature, Interpretation of the letter as defiance of the Company's authority.
as a strong indication of that spirit of independency which the Raja
has for some years past assumed, and of which, indeed, I had early
observed other manifest symptoms, both before and from the instant of
my arrival.”

Therefore it is that this letter is looked upon by Mr. Hastings,
not singly and abstractedly by itself, but coupled with all
the antecedent conduct of the Raja, coupled with all the
information he had had of the bad designs of the Raja,

I desire whether there be any local circumstances or any
 peculiar customs in that country that make it a particular
 disgrace to a man of high rank, more than it would be in this
 country, [to be arrested] upon a charge as a state delinquent.
 To be put under an arrest is, in all countries, undoubtedly, a
 disgrace; but the disgrace arises, not from the imprisonment,
 but the crime imputed. It is already in proof by Mr. Benn
 that arrest with respect to zamindars is a common mode of
 proceeding for enforcing even a civil debt, and that it is not
 attended with that indelible disgrace that is alleged, with
 respect to the Hindus or even to the Brahmans. I find it
 to be the common, established, mode of proceeding in the
 Company's Government in that country, to enforce obedience
 to their orders of every description.

26 APR. 1792.

The arrest
of zamindars
not an
indelible
disgrace.

I will just refer your Lordships, to show what has been the
 constant practice upon that subject, to an instance—and it is
 an instance in which all possibility of any malice against the individ-
 ual or of any intention to disgrace him is entirely excluded.
 I mean an instance which happened on the 1st of October,
 1788, with respect to the Raja of Burdwan, a powerful and
 considerable zamindar, a man of a higher caste than Cheyt
 Sing was, and of very great rank, upon disobedience to the
 orders of the Board in not sending down his accounts which
 he was ordered to do: though he accompanied them with a
 humble and submissive letter, giving an account of the reasons
 which had prevented him, yet the Board deemed them
 evasive and ill founded, and agreed that a fine of 5,000
 rupees be levied on him; and they write to the collector at
 Burdwan, that he be put into confinement, in case of his
 delaying to discharge it within the period prescribed. The
 collector states, in answer to that letter, that he had com-
 municated his orders requiring payment within five days:—

Instance of
the Raja of
Burdwan.

“In obedience to the above orders, I communicated to the Rajah in
 writing the commands of the honourable Board, and, as he has persisted
 in withholding the payment of this fine, I have been under the necessity
 of placing a jemadar and twelve peons mohussils over him; and, should
 he still delay compliance with the honourable Board's order, I beg to be
 favoured with directions in what manner I am to proceed against him.”*

Upon this, the Board unanimously order that, if he did not
 pay within twenty-four hours, upon a fresh demand made
 upon him for payment, he should be seized and sent down
 in confinement to Calcutta:

* Letter from Thomas Brooke, acting collector of Burdwan, to the Board of
 Revenue, 8 November, 1788.—Printed in the “Minutes of the Evidence.”
 p. 1619.

of Government.

Now, what is the
four years together
not in not sending his
jects I have stated, an
that spirit of independ
that it is conformable
and that it is no pecul
ceeding against him.

Lord Clive
then answers
he was not
the subject.

He endeavour was used
any circumstances that
the bare security of his
is—" It is my order that
the house of Cheyt Sing
under arrest." And the
to the Raja; that he put
Mr. Markham were left
charge with him—that th
indulge him with any req
of his person.

Recapitula-
tion of acts
towards
Cheyt Sing
prior to the
insurrec-
tion.

My Lords, I have now
were done by Mr. Hastings
insurrection. Your Lord
merely of demands made on
descriptions; an accusation
and an arrest in consequen
series of acts of tyranny and

Summary of
Cheyt Sing.

Now let us see what was t
happened, very unfortunately
afterwards fell a sacrifice at S
to the Raja in the mornin
Mr. Markham

Murder of
Lord.

that a maulavi, who was a servant of Mr. Markham, ^{20 APR. 1702.} ~~was~~ ^{ought} likewise be left with him, and who was another of the unfortunate persons murdered in the same place.

The Raja acted his part so well, during the time that the preparations were going on, that it had the effect of deceiving Mr. Markham, and, likewise, of deceiving Mr. Hastings. He wrote letters of pretended submission, and which were written, as Mr. Hastings stated, in apparent despondency. They had that appearance at the time, and they are now stated here in the Charge as if they had been real; when, after what did pass and what it is known was going on at the time he was writing these letters, it is very astonishing to see that these letters should now be quoted as proofs of his real submission, and no notice at all taken of all that was going on at the same time.

His letters of pretended submission.

My Lords, these letters had the effect of operating upon Mr. Hastings to write him an encouraging letter. He says,—
“I have received your two arzees from the hands of Mr. Markham and understand their contents. That gentleman will wait on you in the afternoon and explain particulars. Set your mind at rest and do not receive any terror or apprehension.”*

Their influence on Mr. Hastings.

The Raja pretended, in answer to this, to be satisfied and to drop any apprehensions of danger. He says,—

“Your gracious letter has been received and made me acquainted with your commands. You order that in the afternoon Mr. William Markham will come to me; that I must not suffer any apprehension to disturb me, but remain at ease in my mind. My protector, wherever you spread your shadow over my head I am entirely free from concern and apprehension, and whatever you, who are my master, shall determine will be right.”

My Lords, that was the last letter. Very soon after this, in the course of that disastrous day, took place those events that are stated upon this Charge in a most extraordinary manner indeed, and which have even, some of them, been to my utter astonishment vindicated.

My Lords, it has been stated that the manly spirit of Cheyt Sing's people acted upon this occasion in his defence. I will show your Lordships what was the manly spirit of that daring rebel; and your Lordships will then judge whether it was a manly spirit, or whether it was an act of foul and base ingratitude, of rank rebellion and foul treason against his sovereign. My Lords, all these troops that had been assembled prior to the arrival of Mr. Hastings, and which are

Assertion of the manliness of Cheyt Sing's people in the insurrection.

Troops assembled by

* See “Narrative of the Insurrection in Benares,” p. 23.

Described by
Cham. 26.

should all be stationed
There is an account given
was the commander of
the service of Cheyt Sing
passed at the meeting and

"That the Governor Ges
sed the Rajah to Shewallah
in the neighbourhood: that
with the Rajah, but that he
station near to Shewallah."

Two companies of sep
nagar. He says that—

"On the day that the th
English sepoy."

My Lords, these were
Lieutenants Scott and
tunate day, who were th
the sepoy—

"came to the Rajah, and the
Rajah's people, who were then
about 4,000, were armed and
Munihar Sing, Senamur Sing,

Design
shown in
the disposi-
tion of the
troops.

Here a subject raises a
hostile purpose to meet th
He stations them in the nei
general instructions that I
known, these very troops th
manded by his own relatio
being one of them, whom y
adopted son of Bulwant Sin
Cheyt Sing—these troops
diately resorted to Shewalla
Cheyt Sing.

that place. It also happened, most unfortunately, that 26 APR. 1792.
 out three hundred soldiers of the Raja were permitted to
 main in the external court, where the two companies of
 poys were.

Upon the collecting of all this force, they became more and
 more tumultuous. It was very easy to be seen for what
 purpose they were collected, and what must be the event of
 this preparation—that they would very soon execute it.
 is stated in the Charge, after taking notice of all the
 particulars about the turban and all the letters that were
 written and so on,—

“That he wrote several letters full of distress and submission and
 apparent despondency to the said Warren Hastings, who took little
 notice of the same; and, a sudden affray having arisen, in consequence
 of the march of a quantity of sepoy to reinforce the guard put over the
 Rajah, and in consequence of the insults and indignities offered to him,
 and a part of the said guard having been destroyed by the fury of the
 populace enraged by the outrages offered to their prince, in their pre-
 sence, and the Rajah having fled for safety during the tumult to a fort
 in the neighbourhood, he, the said Rajah, did immediately and at divers
 and sundry times afterwards send other letters of submission.”

Description
of the out-
break in the
Charge.

This states that a part of the guard had been destroyed by
 the fury of the populace. Why, there was not one of the
 populace there! They were all picked soldiers collected
 beforehand, and the commanding officers, Munnihar Sing,
 Nunkoo Sing, Sadanund Bakhshi, some of them, came and
 seated themselves by the Raja. It appears that the Raja
 desired, about twelve o'clock at noon, I think, to perform
 his ablutions, and, in a short time after, to perform his devo-
 tions. A right honourable Manager stated that the inter-
 ruption given to him in his devotions deserved what followed,
 and that the manly spirit of the Raja's people did that which
 every person would wish his friends and servants to do upon
 a like occasion. God forbid they should! I mean the
 right honourable Manager who made an eloquent speech at
 the close of the evidence on this Article: he said that the
 chobdar was “the vilest of mankind”; a chobdar was sent,
 who insulted him and interrupted his devotions, and there-
 fore it was that what followed was the exercise of a manly
 spirit.*

Statement of
Cheyt Sing
being inter-
rupted in his
devotions.

Now, my Lords, what is the account given by the evi-
 dence of what actually passed? The people, on the outside
 of the walls, whose entry was resisted by the exertions of

True cir-
cumstances
of the case.
Attempt of
the people

* See Mr. Burke's “Observations on the Evidence on the First Charge,”
 vol. i., p. 367.

Journalist
L. J. M.
with the
translation
for

A chobdar
sent by
Mr. Hast-
ings with a
message to
Chert King

guard going without
to prevent the armed
seem to me to have
people to do what the
nition; in consequen
despatched, under the
convey ammunition to
The soldiers of Chert
detachment, and preve
ance of the two comp
them the ammunition
despatched a note back
to inform him that he
should press on. At t
very precious. The di
from the place where
elapsed. Upon the arri
this intelligence, Mr. H
chobdar—for the munst
spondence, were gone—
communicate to Chert;
he must be responsible fo
carried a note to Lieuten
press on. The same mes
messages, when he came
the note with him which
went on to the Raja to d
this person who conveyed
of mankind—a tipstaff, a
it was an insult to send
ing him was not the act of

anything that indicates real submission? I should rather have thought it would have been a letter more deserving of that character if he had done what Mr. Hastings says he did not do. He says it was "less a vindication of himself than a recrimination on me." So it was; for, instead of admitting himself to be at all to blame, he throws all the blame upon the Governor, and says—"it is all your fault, because you would not answer my letters."

Mr. Hastings says—"It expresses no concern for the causes of complaint contained in my letter, or desire to atone for them, nor the smallest intention to pursue a different line of conduct."

It contained no concern for the causes of complaint.

My Lords, in all these respects I think it was defective in submission. It would have been more a model of a submissive letter if it had given some hope that he was sensible of his guilt and meant to avoid the repetition of it; that he was willing to make an atonement for it, and express some concern for what was past; when, after an admission of his own guilt in person, he could be brought the next day, when he had got among his friends and adherents, to write a letter in answer to these charges which were proved, to say,—

"I do not feel myself in the least to blame. You have not done your duty; the fault is yours; you did not answer my letters. But, in all that respects me, I have never swerved from my duty."

If that was his idea of his duty—if he thought to resist all the orders of Government for four years together was a fit discharge of his duty, it was high time to teach him a different lesson. It was very little to be expected that a man who could conceive this to be a discharge of duty would not conduct himself in the same way in future; and, therefore, if it was proper to prevent the repetition of such conduct, it was certainly necessary after this to take some means for teaching the Raja that that was not a due performance of his duty.

Mr. Hastings says that he considered this answer,

"Conched in terms of defiance to requisitions of so serious a nature, as a strong indication of that spirit of independency which the Rajah has for some years past assumed, and of which, indeed, I had early observed other manifest symptoms, both before and from the instant of my arrival."

Interpretation of the letter as defiance of the Company's authority.

Therefore it is that this letter is looked upon by Mr. Hastings, not singly and abstractedly by itself, but coupled with all the antecedent conduct of the Raja, coupled with all the information he had had of the bad designs of the Raja,

... sent with Lie
with his detachment, a
troop of Choyt Sing,
much, who knew that
companies within and
ance, who immediately
Lieutenant Barrell's P
That was the signal.
dately the two compen
down with savage barba
destroyed upon the spot.
fary of the populace!

Charge of
Choyt Sing
to Barrell's
gun.

Charge
against
Mr. Barrell
of
Choyt Sing's
office of
submission.

In consequence of this
arrest; he was let down
conveyed immediately to
side of the river. The nex
having passed over in the
trifling, circumstance of the

"That the Rajah having fled fr
the neighbourhood"—

the tumult was an accident
his knowledge or privity;
life, as much as any body el

"Having fled for safety during the
boud, he, the said Rajah, did immedi
and other letters of submission to
ing permission to justify himself from
and offering to submit in all things
Hastings, who, nevertheless, consta
answer or to listen to the same."

Now, my Lords, it certainly
ings refused to answer

led by Munnihar Sing, and there assembled a rebel ^{26 APR. 1793} ~~army~~, a list of which is given to your Lordships from one of ~~the~~ own officers; and it appears to have collected in a very ~~short~~ space of time—amounting to the number of 22,190 men, increased afterwards to the number, I before had occasion to ~~say~~ to your Lordships, of 40,000. The first letter, as I ~~stated~~, was upon the 20th or the 21st of August—on the ~~very~~ day when a second destruction of troops at Ramnugur ~~took~~ place, in the unfortunate business attempted by Captain ~~Mayaffre~~ and Captain Doxat, both of whom unfortunately ~~fell~~ a sacrifice. The rebels destroyed them both, and I ~~think~~ a hundred and seven men were killed at Ramnugur. ~~The~~ heads of Captain Doxat and Captain Mayaffre were ~~cut~~ off and carried about the streets in triumph: they ~~were~~ afterwards conveyed as a present to the Raja.

On this day a letter was sent to Mr. Hastings. Mr. Hastings ^{Regarded as an artifice to gain time.} says he regarded it as an artifice to gain time. Your Lordships will be able to judge, under the circumstances in which it was written, whether it was not absolutely so, when it appears that, on the very day—the 21st of August—that this letter was written, preparations were actually making—^{Preparations to attack Mr. Hastings.} scaling ladders and other things are spoken of by the witnesses—for attacking Mr. Hastings and the remainder of his party at Mahadew Dass's garden.

That attempt was prevented by the retreat of Mr. Hastings ^{His retreat to Chunar.} to Chunar, that very night, when it was actually to have taken place. It would have taken place a little sooner than it actually did, but from the circumstance of the troops under the command of Sujan Sing, when about to cross for the purpose of] attacking Mr. Hastings, having refused to go without refreshment. They had been kept some time without food, and that retarded the execution of the business. It did not take place when it was intended; but Sujan Sing with his party took possession next morning of Mahadew Dass's garden and plundered it.

The same day on which that letter was sent to Mr. Hastings, ^{Other letters sent to Col. Blair and to induce him to remain at Chunar.} were three other letters sent to Colonel Blair and Captain M'Dougal, for the purpose of preventing the arrival of the force from Chunar, which Mr. Hastings had sent for to his assistance at Benares—a distance of about twenty miles from Benares. That letter had been sent for the purpose of amusing Colonel Blair and Captain M'Dougal; to represent to them that an attack was meditated that night upon Chunar, and that, therefore, they ought not to leave

description, were for the
at Benares, and Cheyt
saved him the trouble of

position
of
Mr. Das-
sing.

Mr. Hastings, pressed
lowers, I think of only f
all the communication o
Sing prevented any inte
ings' situation, to prevent
—Mr. Hastings, with for
dew Das's garden—a pla
and without any resourc
it had been a fit place fo
repeated intimation that
doubtful for a time. He

Anger of
Hastings
towards
Das's
action.

before the face of a rebel
—and I hope your Lords
be acted agreeably to that
bore him out in all his
think it fitting for the fir
ment then to receive a le
head of a rebel force, w
the English. It appears
that Mr. Hooper, an Ex
innocence of his professio
by and murdered by th
Sujan Sing.

Mr. Hastings did not t
of accommodation or to
the Raja, who was at that

given to his troops naturally led to what followed. He had 28 APR. 1792.
 laid the train of gunpowder and it required only the match
 to light it. He had instructed his officers, he had instructed
 his soldiers, what his general purpose was. They could not
 but know it. They knew it would be acceptable to him to
 do what they did. The murder of the chobdar, of the
 maulavi, of Lieutenant Stalker and the other officers, was per-
 petrated by Munnihar Sing and Nunkoo Sing, the confidential
 relations of Cheyt Sing. But does Cheyt Sing afterwards
 disavow it? Does he give up the authors of these murders?
 On the contrary, all the perpetrators of these horrid [mas- His support
 sacres] were received in confidence, and he, in league with of the
 them, erected the standard of rebellion; and, in all his letters, authors of
 though he talked upon the subject, he never once made an them.
 offer—indeed it was the furthest from his thoughts—to
 abandon them or their purpose, or to show the least disap-
 probation in a substantial way of what they had done in his
 presence.

I conceive that conduct as adopting all that had been done
 at Shewalla, making him responsible as an accomplice in
 the foul murders at Shewalla, by afterwards leaguering in
 the way he did with those who perpetrated them. If it had
 not been so, what was the remaining conduct of Cheyt Sing?
 And here again, though it is stated in the charge what
 letters he wrote afterwards, yet from some extraordinary
 circumstance it has happened that all the letters he was Other
 writing, of a different description, at the same time and with letters
 the same pen, which he was distributing all over the country, written at
 under his own hand and seal, for the utter destruction and the same
 subversion of the British empire and of the English wherever period by
 they could be met with—these letters have unfortunately Cheyt Sing.
 escaped notice!

I will just refer your Lordships to the evidence there is
 upon this subject; and, in order to make it intelligible, your
 Lordships will find that at this time there were stationed in
 the country immediately adjoining to Benares English troops, English
 in charge of a part of the Nawab Wazir's country. The troops sta-
 Nawab Wazir, who was intending to meet Mr. Hastings at tioned near
 Chunar, had directed that the troops who were commanded Benares.
 by English officers should be assembled to meet him at a
 place called Akberpore. Cheyt Sing had at this time and
 for some time before received into his country, as before
 stated, several of the rebels who had fled from that country,
 the next adjoining to his own. Upon the breaking out of

30 APR. 1782

Embarrassment
of Cheyt Sing to pre-
vent their joining
Mr. Hastings.

Co-operation
of the
Begums.

Intelligence
throughout
the country
of Cheyt
Sing's re-
bellion.

His letters
to the Rajas
to put the
English to
the sword.

Evidence of
Denoos Sing.

his own rebellion, he immediately furnished these persons with money and troops, for the purpose of cutting off the English officers and persons stationed in the adjoining country, and preventing them coming to the assistance of Mr. Hastings, or even joining the Nawab Wazir who was upon his march to meet Mr. Hastings.

In the whole of that conduct your Lordships will find the active co-operation and assistance of the Begums, who resided at Fyzabad, and whose jagirs were close to that country. As soon as ever the news of what Cheyt Sing had done could arrive, those who had promised him before assistance immediately acted in his assistance, and the name of Cheyt Sing and the Begums were in all the persons' mouths who were rising up in that adjoining country. The sepoys were mutinying and refusing to march into Benares, saying they would go to Cheyt Sing and the Begums. It is stated in an account by Major Macdonald, and is to be found in page 258 and the following pages, that he had intelligence about the 20th of August last that Cheyt Sing had, after putting to death three English officers and two hundred and fifty sepoys, fled from Benares and openly set up the standard of rebellion, inviting all persons who could procure arms to repair to him, and, by fighting under his banner, extirpate the Firangis. He learned from the Benares district that Cheyt Sing had summoned the Rajas of his own district to join him with all the troops they could raise, promising present pay to those bearing arms, and a remission of a year's rent to all who repaired to his standard; that Cheyt Sing's name was in everybody's mouth; that every Raja in that country had declared for him.

Ahland Sing, a subahdar, stationed at Goruckpore, speaks of the country people lifting up their arms and crying out—

"The Doway* of the Nabob, Saadat Ally Khan, and the Begums be spread through the country; for the Rajah Cheyt Sing has destroyed the English, and letters have come to the Rajahs to put the dependants of the English to the sword, wherever they may be found."†

In page 241,‡ there is the deposition of Denoo Sing another subahdar, who confirms the report at Goruckpore that letters had come from Cheyt Sing to all the zamindars to this purpose:—"wherever there are dependants of the

* The acclamation of appeal to the sovereign power.

† Deposition of Ahland Sing.—Printed in the Appendix to the "Journal of the Insurrection," p. 169.

‡ The reference is to the printed "Minutes of the Evidence."

English, kill and drive them out." There is another, in the same page, of Ram Sing, jamadar, who says that letters had arrived from Cheyt Sing at Benares, in which he said—"all the English are cut off; the government of the English is overturned; I have taken possession of the country. Do ye, the zamindars, establish your authority also in those districts." It was likewise publicly reported that Cheyt Sing had sent 1,500 rupees in specie to the said zamindars, to raise men and kill and drive out the dependants of the English wherever they might be. Kurdeal Sing, commandant, in page 242, says that the Rajas Ajcet Mull, Futtee Shaw, and Genoo Roy, had received 25,000 rupees from Raja Cheyt Sing to drive the English and all their dependants out of their districts.

28 APR. 1792.
and of
Rham Sing

Captain Williams has stated, in page 262, speaking of the mutiny of his troops—who rose upon him, their pay being in arrear, stating that unless their arrears were paid they would go to the Begums and to Cheyt Sing—that, while he was there, it was currently reported and given out by the rebellious Rajas that they acted in conformity to the orders they had received from Cheyt Sing, Saadat Ali and the Begums, to raise an insurrection in the country and to destroy the English wherever they found them.

Added to all this, there are, in page 253, letters, which were actually intercepted, in the handwriting and under the seal of Cheyt Sing himself. I will state the very words of a letter from Cheyt Sing to Dadjoo Sing—

Intercepted
letters of
Cheyt Sing.

"Great misunderstandings have come to pass between me and the English, I, therefore, direct you with your people to join me the moment you see this order. Every encouragement and support shall be given you by me; let your mind be at rest, and come with speed. Wherever you meet with either Europeans or sepoy plunder and cut them off. Consider this as particularly enjoined.—Written the 4th of the month Badoon."

Letter to
Dadjoo Sing

Superscribed by Cheyt Sing in his own hand—"The contents approved." The covers directed to Dadjoo Sing and sealed with the seal of Raja Cheyt Sing.

This letter, I should have thought, might have been mentioned, as well as Cheyt Sing's general professions of submission, of which Mr. Hastings took no notice.

In another letter to the same person, he says—

"It appears that you are united with the English: I, therefore, write to you that, living as you do under my protection, the taking part with them will be attended with bad consequences to yourself. I direct that, immediately on the arrival of this order, you join the Rajah, Futteh Sing, and see the enemy. In this only you will find your advantage. Consider

Second
letter to the
same.

28 APR 1792.

to obtain
ammunition
from Cheyt Sing
by force.

Despatch of
Lieut. Bur-
rell for am-
munition for
the guard.

A chobdar
sent by
Mr. Hast-
ings with a
message to
Cheyt Sing.

the guard, had made two attempts to burst in before the arrival of his chobdar. In consequence of that on their part, there was discovered another unfortunate of precaution, but in which certainly Mr. Hastings concerned—that the two companies who went there had without ammunition. These circumstances connected the guard going without ammunition, and the neglect of the to prevent the armed men stationing themselves as they seem to me to have been instrumental in enabling the people to do what they did. A message was sent for ammunition; in consequence of which, a party was immediately despatched, under the command of Lieutenant Burrell, to convey ammunition to the place where they were stationed. The soldiers of Cheyt Sing opposed Lieutenant Burrell's detachment, and prevented them from marching to the assistance of the two companies at Shewalla, and conveying them the ammunition. Lieutenant Burrell immediately despatched a note back again to his own commanding officer to inform him that he was opposed and to know whether he should press on. At this time every moment was extremely precious. The distance was, I think, a mile and a half from the place where Mr. Hastings was, and some time elapsed. Upon the arrival of the messenger communicating this intelligence, Mr. Hastings immediately desired the chobdar—for the munshis, the persons who write the correspondence, were gone—he desired the chobdar to communicate to Cheyt Sing that if any mischief happened he must be responsible for it. At the same time, the chobdar carried a note to Lieutenant Burrell from Major Popham to press on. The same messenger, therefore, carrying both messages, when he came to Lieutenant Burrell's troops, delivered the note with him which ordered him to march on, and he went on to the Raja to deliver his message. It is said that this person who conveyed the message was one of the lowest of mankind—a tipstaff, a bailiff, an insolent fellow; and that it was an insult to send such a person. I believe, therefore, that sending him was not the act of Mr. Hastings, but of Mr. Popham. He was Mr. Hastings' chobdar; he was a man nearly 50 years of age, a Brahman, a man of the first class of persons who could be sent upon such an occasion, a man that attended upon persons of rank, one who was constantly sent in the course of messages between one considerable man [and another]; and this very person, in all the communications with Cheyt Sing, had been constantly sent by Mr. Markle.

and a person of similar rank was always sent by Cheyt Sing to the Resident. All messages of this sort were conveyed by a chobdar; and there was nothing in the person, address or conduct, of this man that seems to me to have made him an unqualified person, at the time when there was little choice of persons by whom to send a message.

But it is said that the message was delivered in an improper manner, and at an improper time; that it was delivered in an insulting manner, accompanied with expressions improper and indecent to the Raja. He might interrupt him at an improper season—supposing the situation had not required it—but the message delivered to him you will find stated in pages 236 and 251, in different affidavits. It is said, the words in which it was conveyed and the manner were disrespectful; but the substance of it was this—to intimate to Cheyt Sing that he must endeavour to prevent the mischief, for otherwise he would be confined or be made responsible for the consequences. This man was put to instant death for the insult that he offered. That was what he deserved, and they did “what everybody would wish his friends and servants to do upon a like occasion!” I should have thought, however, that the death of one person might have been sufficient to expiate an insult in expression; and that, at a time when we are considering Mr. Hastings to have been guilty of tyranny and oppression, and of a high crime and misdemeanour, merely for putting Cheyt Sing under an arrest for a breach of duty—for a breach of his engagement for several years together—that those who dispute the propriety of Mr. Hastings’ conduct might yet think instant death a fit punishment for an insulting expression. But the death of one, I should have thought, might have expiated it. It happened, however, that there were, I think, eighty or ninety grenadier soldiers massacred instantly upon the spot. Was that deserved? Was that proper? Is that justified? Your Lordships will find that, after all this, the conduct of Cheyt Sing is defended!

Manner of delivering the message.

Massacre of soldiers.

My Lords, that massacre is attributed altogether to the insult of the chobdar. It is impossible from the description of the place that it could have been so; because it appears that the message delivered was in an internal enclosure, and that, though that person was immediately destroyed, yet, at the same instant, there began a firing upon the outer wall. Your Lordships will find, in all the accounts given of this dreadful business, that the firing began upon the outer wall,

The massacre not caused by the insult offered by the chobdar.

26 APR. 1782 in a place where it was impossible they could have seen the chobdar or heard a syllable of what he said.

But it is said—"How should it happen that at the same moment the chobdar was murdered and the fire began, if it was not occasioned by the insult given by the chobdar?" Why, the account I have given of the transaction clearly explains that; because, the chobdar having previously left with Lieutenant Burrell an order to march with his detachment, the moment he did march on it was the troops of Cheyt Sing, who had opposed him and resisted his march, who knew that he was bringing ammunition to the companies within and that that was the moment of resistance, who immediately from that outward wall fired upon Lieutenant Burrell's party; and they killed twenty men. That was the signal. They rushed in and destroyed immediately the two companies of sepoy. Every man was killed down with savage barbarity; the officers and troops were destroyed upon the spot. This is the sudden affray by the fury of the populace!

Escape of
Cheyt Sing
to Ramnugur.

Charge
against
Mr. Hastings
of
rejecting
Cheyt Sing's
offers of
submission.

In consequence of this, the Raja was rescued from the arrest; he was let down by turbans into a boat, and he was conveyed immediately to Ramnugur, a fortress on the east side of the river. The next accusation against Mr. Hastings having passed over in the way that I have stated the trifling circumstance of the murder of the sepoy, is—

"That the Rajah having fled for safety during the tumult to a fort in the neighbourhood"—

the tumult was an accidental circumstance, raised without his knowledge or privity: he flies for his own safety, life, as much as any body else—

"having fled for safety during the tumult to a fort in the neighbourhood, he, the said Rajah, did immediately, and at divers and sundry times send other letters of submission to the said Warren Hastings, requesting permission to justify himself from the charges brought against him, and offering to submit in all things to the pleasure of the said Warren Hastings, who, nevertheless, constantly and peremptorily refused answer or to listen to the same."

First letter
of submission
written
on the day
of a second
massacre of
troops.

Now, my Lords, it certainly is very true that Mr. Hastings refused to answer or to listen to any of these letters. If he had done otherwise, I should have been very much at a loss to have said anything in his defence. The first of these letters was sent to him, I think, upon the 20th or the 21st of August, the massacre having taken place upon the 16th. The Raja first went to Luttee poor from Ramnugur, and

spanied by Munnihar Sing, and there assembled a rebel force, a list of which is given to your Lordships from one of his own officers; and it appears to have collected in a very short space of time—amounting to the number of 22,190 men, increased afterwards to the number, I before had occasion to state to your Lordships, of 40,000. The first letter, as I stated, was upon the 20th or the 21st of August—on the very day when a second destruction of troops at Ramnugur took place, in the unfortunate business attempted by Captain Mayaffre and Captain Doxat, both of whom unfortunately fell a sacrifice. The rebels destroyed them both, and I think a hundred and seven men were killed at Ramnugur. The heads of Captain Doxat and Captain Mayaffre were struck off and carried about the streets in triumph: they were afterwards conveyed as a present to the Raja.

26 APR. 1792

On this day a letter was sent to Mr. Hastings. Mr. Hastings says he regarded it as an artifice to gain time. Your Lordships will be able to judge, under the circumstances in which it was written, whether it was not absolutely so, when it appears that, on the very day—the 21st of August—that this letter was written, preparations were actually making—scaling ladders and other things are spoken of by the witnesses—for attacking Mr. Hastings and the remainder of his party at Mahadew Dass's garden.

Regarded as an artifice to gain time.

Preparations to attack Mr. Hastings.

That attempt was prevented by the retreat of Mr. Hastings to Chunar, that very night, when it was actually to have taken place. It would have taken place a little sooner than it actually did, but from the circumstance of the troops under the command of Sujan Sing, when about to cross for the [purpose of] attacking Mr. Hastings, having refused to go without refreshment. They had been kept some time without food, and that retarded the execution of the business. It did not take place when it was intended; but Sujan Sing with his party took possession next morning of Mahadew Dass's garden and plundered it.

His retreat to Chunar.

The same day on which that letter was sent to Mr. Hastings, were three other letters sent to Colonel Blair and Captain M'Dougal, for the purpose of preventing the arrival of the force from Chunar, which Mr. Hastings had sent for to his assistance at Benares—a distance of about twenty miles from Benares. That letter had been sent for the purpose of amusing Colonel Blair and Captain M'Dougal; to represent to them that an attack was meditated that night upon Chunar, and that, therefore, they ought not to leave

Other letters sent to Col. Blair to induce him to remain at Chunar.

Fertile
position of
Mr. Rad-
ston.

Impression of
making
terms with
public in
arms.

Responsi-
bility of
the

at Benares, and Ch
saved him the trouble

Mr. Hastings, press
lowers, I think of only
all the communication
Sing prevented any in
ings' situation, to preve
—Mr. Hastings, with fi
dew Dass's garden—a p
and without any resour
it had been a fit place f
repeated intimation that
doubtful for a time. He
before the face of a reb
—and I hope your Lords
he acted agreeably to that
bore him out in all his
think it fitting for the fir
ment then to receive a let
head of a rebel force, w
the English. It appears i
that Mr. Hooper, an Eng
innocence of his profession
by and murdered by the
Sujan Sing.

Mr. Hastings did not thi
of accommodation or to rec
the Raja, who was at that t
force. After what had hap
Chunar. There he endeavo
the Company to quell the reb

even to his troops naturally led to what followed. He had 26 APR. 1792.
 led the train of gunpowder and it required only the match
 to light it. He had instructed his officers, he had instructed
 his soldiers, what his general purpose was. They could not
 but know it. They knew it would be acceptable to him to
 do what they did. The murder of the chobdar, of the
 manulavi, of Lieutenant Stalker and the other officers, was per-
 petrated by Munnihar Sing and Nunkoo Sing, the confidential
 relations of Cheyt Sing. But does Cheyt Sing afterwards
 disavow it? Does he give up the authors of these murders?
 On the contrary, all the perpetrators of these horrid [mas- His support
 sacres] were received in confidence, and he, in league with of the
 them, erected the standard of rebellion; and, in all his letters, authors of
 though he talked upon the subject, he never once made an them.
 offer—indeed it was the furthest from his thoughts—to
 abandon them or their purpose, or to show the least disap-
 probation in a substantial way of what they had done in his
 presence.

I conceive that conduct as adopting all that had been done
 at Shewalla, making him responsible as an accomplice in
 the foul murders at Shewalla, by afterwards leaguering in
 the way he did with those who perpetrated them. If it had
 not been so, what was the remaining conduct of Cheyt Sing?
 And here again, though it is stated in the charge what
 letters he wrote afterwards, yet from some extraordinary
 circumstance it has happened that all the letters he was Other
 writing, of a different description, at the same time and with letters
 the same pen, which he was distributing all over the country, written at
 under his own hand and seal, for the utter destruction and the same
 subversion of the British empire and of the English wherever period by
 they could be met with—these letters have unfortunately Cheyt Sing.
 escaped notice!

I will just refer your Lordships to the evidence there is
 upon this subject; and, in order to make it intelligible, your
 Lordships will find that at this time there were stationed in
 the country immediately adjoining to Benares English troops, English
 in charge of a part of the Nawab Wazir's country. The troops sta-
 Nawab Wazir, who was intending to meet Mr. Hastings at tioned near
 Chunar, had directed that the troops who were commanded Benares.
 by English officers should be assembled to meet him at a
 place called Akberpore. Cheyt Sing had at this time and
 for some time before received into his country, as before
 stated, several of the rebels who had fled from that country,
 the next adjoining to his own. Upon the breaking out of

...of the
...of the
...of the

active co-operation at
at Fyzabad, and wh
As soon as ever the
could arrive, those wh
immediately acted in
Sing and the Begums
were rising up in that
mutinying and refusing
would go to Cheyt Sin
an account by Major M
258 and the following
the 20th of August last
to death three English
sepoys, fled from Benare
rebellion, inviting all pe
repair to him, and, by figh
Firangis. He learned fro
Sing had summoned the
him with all the troops th
pay to those bearing arms,
all who repaired to his st
was in everybody's mouth;
had declared for him.

...of the
...of the
...of the
...of the
...of the

He letters
to the Rajas
to and the
roughly to
the sword.

Ahland Sing, a subahdar,
of the country people lifting
"The Dowry" of the Nabob, Se
spread through the country; for th
the English, and letters have come
of the English to the sword, wherew

Prisoners of
Deon Sing

In page 241,† there is th
another subahdar wh
that

English, kill and drive them out." There is another, in the 26 APR. 1792. page, of Ram Sing, jamadar, who says that letters had and of, arrived from Cheyt Sing at Benares, in which he said—"all Rham Sing English are cut off; the government of the English is returned; I have taken possession of the country. Do ye, e zamindars, establish your authority also in those districts." was likewise publicly reported that Cheyt Sing had sent 500 rupees in specie to the said zamindars, to raise men and kill and drive out the dependants of the English wherever they might be. Kurdeal Sing, commandant, in page 32, says that the Rajas Ajeet Mull, Futtee Shaw, and Fenoo Roy, had received 25,000 rupees from Raja Cheyt Sing to drive the English and all their dependants out of their districts.

Captain Williams has stated, in page 262, speaking of the mutiny of his troops—who rose upon him, their pay being in arrear, stating that unless their arrears were paid they would go to the Begums and to Cheyt Sing—that, while he was there, it was currently reported and given out by the rebellious Rajas that they acted in conformity to the orders they had received from Cheyt Sing, Saadat Ali and the Begums, to raise an insurrection in the country and to destroy the English wherever they found them.

Added to all this, there are, in page 253, letters, which were actually intercepted, in the handwriting and under the seal of Cheyt Sing himself. I will state the very words of a letter from Cheyt Sing to Dadjoo Sing—

Intercepted letters of Cheyt Sing.

"Great misunderstandings have come to pass between me and the English, I, therefore, direct you with your people to join me the moment you see this order. Every encouragement and support shall be given you by me; let your mind be at rest, and come with speed. Wherever you meet with either Europeans or sepoys plunder and cut them off. Consider this as particularly enjoined.—Written the 4th of the month Baudoon."

Letter to Dadjoo Sing

Superscribed by Cheyt Sing in his own hand—"The contents approved." The covers directed to Dadjoo Sing and sealed with the seal of Raja Cheyt Sing.

This letter, I should have thought, might have been mentioned, as well as Cheyt Sing's general professions of submission, of which Mr. Hastings took no notice.

In another letter to the same person, he says—

"It appears that you are united with the English: I, therefore, write to you that, living as you do under my protection, the taking part with them will be attended with bad consequences to yourself. I direct that, immediately on the arrival of this order, you join the Rajah, Futteh Sing, and see the enemy. In this only you will find your advantage. Consider

Second letter to the same.

his country, which he
him with directions to

At the same time the
also issuing orders calcu
page 236 there is an
Cheyt Sing—

Orders
issued by
Cheyt Sing
for government
and support
the French

"The Ammeen, Dicsu Ali
be made through the city—
belonging to the English gun
him to the Ammeen's Kutcher
proof, in the house of whom
shall be found, the owner then
government of the Rajah, his
and his belly shall be ripped up

This was the humble and
these humble and submit
notice of!

It is mentioned by Col
wrote at this period, that t
had all certificates, under t
would supply them with wh
for subsisting all the troops t

"It is the general belief of every
the conduct I have related is a cons
English."

There are other proclamatio
in pages 237 and 251, which
ships with.

Besides this, at the time the
letters which Mr. Hastings is
one of which was delivered
tember 1757

His officers
no order
troops

Barbours of
14 soldiers.

carried from thence prisoners to Lutteepeer, where the 20 APR. 1793.
 then was. They were carried into his presence at
 ; and the next morning they were, by his orders, all
 m butchered in cold blood upon the spot. Fourteen
 m were brought out on the morning of the 3d of Sep-
 r, almost famished; victuals were set before them,
 ; they were kept at a distance with their hands tied
 d them, to amuse them with the spectacle. After they
 een kept in that manner two hours, when their death
 nts were all sealed, they cut and hacked them down,
 y one; and one only of the miserable persons survived
 the story, and his deposition is now in evidence before
 Lordships. This was the conduct of this man upon the
 September; and the letter that arrived upon the 5th
 ie] of those which Mr. Hastings is accused for not
 g paid any attention to.

ere is another instance likewise of cruelty, of an inferior
 but it shows the rancour and animosity with which
 rebellion was carried on against the English nation.
 soldiers of Major Crabbe's detachment, who had wan-
 e from the line, were taken and murdered at Gova
 e. I have stated these few instances for the purpose of
 ng that, added to the guilt of the rebellion, it was
 cted in such a manner that, if it had not been preceded
 y misconduct on the part of Cheyt Sing, I should have
 ht Mr. Hastings must have had very little sense of his
 to the Company or to this nation, if he could possibly
 listened to any letters written by Cheyt Sing, or
 d into any term of accommodation with him. Mr. Hast-
 ertainly never entertained any such idea.

The outrage
 committed
 by Cheyt
 Sing suffi-
 cient to pre-
 vent the
 acceptance
 of his propo-
 sals.

the active co-operation of the British troops who came
 : Hastings' assistance, and who were engaged against
 t Sing in a successful attack upon the 3d of September,
 ttar, and afterwards in a more decisive one at the same
 upon the 20th of September, the Raja was entirely
 d and defeated. He fled, about the 22d or 23d of
 mber, with a few of his followers, abandoning his
 t, but not till he found he could not carry it into
 tion. It is stated that Mr. Hastings, after this—

Defeat of
 Cheyt Sing.

edly, arbitrarily and tyrannically, expelled the Rajah from those
 ies which he held by virtue of the repeated agreement with the
 ny, and to which he had not forfeited his right by any acts by
 re said Rajah, done or omitted, previous to the violent and unjust
 nment aforesaid, in consequence of which arrest and expulsion an
 war arose, much blood was shed"—

Charge of
 expelling
 him from
 his terri-
 tories.

peace till after the w
consequence of a pro
forfeited his zamindar
with great accuracy t
that war arose—which
till afterwards. It is a

*General
character of
expulsion
and oppression.*

"In all these acts of rep
arrest, and final expulsion
upon pretences, many of w
said Warren Hastings till a
acts, by him, the said Warre
said Rajah, he the said W
instances acted contrary to
solemn treaties, to his own
greatly disgraced and discred
India."

Throughout, therefore,
whole is imputed to Mr.
by him are considered as
vours to enforce them are
pressive; his accusations
as false, wicked and malici
his final expulsion of him
which he is accused. Havin
this subject, I do not mean
any recapitulation of it. Y
how far, in the treatment of
in any respect guilty of any h
to the end, I conceive that, th
accusation against him, that
and that he was justified in
accommodation with him after
had observed

attack of Bidjey Gurh; and that is represented in the next 26 APR. 1792. paragraph to be criminal in many respects. It is stated to have been an attack upon the place of residence of Panna, the mother of the Raja, and the surviving women of the family of Raja Cheyt Sing:—

“That Mr. Hastings, for the purpose of the directed attack, did order a body of troops to march and dispossess them of their residence, and to seize upon their money and effects, without even pretending that they had committed any offence whatsoever, and without even inquiring whether the treasure contained in the fortress of Bidjey Gurh was the property of the said women or of Cheyt Sing; that the said Warren Hastings did neither then nor since alledge or attempt to prove that the said ladies were ever concerned in the remotest degree”—

and so on; considering this and the other subject that is connected with it, namely, the treasures that were found in it, as criminal in various points of view—in respect to the place; in respect of the person; and in respect of the orders that were given, and to the treasures that were found there.

My Lords, the place was a fort, one of the strongest in India, erected upon a hard rock seven hundred and forty-five feet perpendicular, garrisoned by seven hundred rebel troops, and in which, when the Raja fled, the women of his family took refuge, but who never made it the place of their residence before, and who went there as the only remaining fort that was in the possession of the rebels. It is represented as a crime in Mr. Hastings to attack that place; that, when the whole province had been restored to its obedience, it was criminal to attack the only place that stood out, because it was inhabited at that time by these persons. Why, my Lords, it appears by the testimony of Colonel Gardiner that the Rani, who is mentioned here, had the command in the place, and issued her orders to the bakhshi or to the officer of the forces there, which consisted of seven hundred men, who fired frequently upon our troops and destroyed a great many of our men during the course of a siege that lasted six weeks. And yet it is represented here to be a crime to attack that place! What, were you to leave the rebels in possession of that place, because there were persons of this description who took refuge there? Could we consider the persons in any other character than as rebels, commanding a rebel fort garrisoned with a rebel army?

The fort resorted to by the women of Cheyt Sing's family.

The fort defended against the Company's troops by the Rani's orders.

With respect to the treasure that was found there, after Cheyt Sing had carried off upon the backs of a great number of camels all his jewels and a great part of his wealth, it

The treasure found in the fort.

26 Apr. 1781 appears that there was ultimately found a treasure to very near the amount of 400,000*l*. The orders that Mr. Hastings gave upon this subject is made a matter of criminality against him. The letters that he wrote as applied to the subject of the treasures ultimately found there, and which were distributed by the army amongst themselves—that distribution of the treasure found there is represented as criminal act; that Mr. Hastings was the author of it; as that he is responsible for it, because it was bringing ruin and destruction upon the army to have done so; and it is stated that, after he had done so, he was guilty of fraud to the army in retracting it, and then endeavouring to get as a loan what he had before given them encouragement to think they were to have.

Mr. Hastings' letters to the commanding officer of a private nature.

Now, upon this subject, which I certainly shall not go into a particular detail of, the substance of all I have to say this—not that the letters written to the commanding officer upon that subject, being of a private nature but written upon public subjects, are not to be considered, with respect to all the orders they contain, exactly the same as public orders, yet that, in the construction of letters of that sort written in a more loose and unguarded way, it is matter to consider, that they were letters of that sort; and, when they are looked at, there will not be found in these letters any orders to warrant what was done. It was the act of the officers and soldiers, without any authority from Mr. Hastings to do it.

Intention of Mr. Hastings that the troops should divide the treasure.

Order to prevent the treasure being carried off by the rebels.

There are two letters, I think, principally rested upon and from which extracts are taken—the letters of the 2^d of October and the 3^d of November. These two letters were written prior to the surrender of the fort, at the time when overtures had passed between the Rani and the commanding officer. I am perfectly ready to admit that in both these letters Mr. Hastings intimates an idea floating in his mind, prior to his knowledge of what the treasure ultimately would be, that he did intend that the detachment should have it; but that they should have it through the medium of a regular grant from the state to whom it belonged. With that idea in his mind, he writes to the commanding officer directions to secure, and to take the proper steps to prevent any further means of the money that might there being carried away, as some had been, by the rebels during the siege. Mr. Hastings intimates to the commanding officer that he should use for that purpose

proper means to prevent any stratagems to take away a part 26 APR. 1792.
of the treasure. He says, "it will be your business to secure
it for yourself and your detachment;" meaning that himself
and his detachment should have it, but not to say they were
to have a scramble for it, to divide according to their own
authority; but merely intimating to them his ultimate inten-
tion, as he explained it by a letter he wrote at the very
time, that he intended it for them, but intended it through
the medium of a regular authority. The officers did not wait
for any authority; but on the day after the capture they
divided the whole, without any orders, directions or authority,
for the purpose. I can easily account for why the officers
should have been induced to do what they did. It appears,
from the evidence before your Lordships, that all the officers
were clearly convinced in their mind that they were intitled
to the booty taken under these circumstances in the attack of
a fort; that whatever they took belonged to them *de jure*;
that by the usage of the service they had always had it, and
they conceived it to be their right.

Division
made of the
treasures,
without
authority.

I will just read one or two extracts from the officers' Extracts
from the
officers'
letters.
letters, in order to show that I am justified in that assertion.
In one letter, which is in the 286th page of your Lordships'
Minutes, written by Major Popham, he says,—

"From the usages of all services I have ever heard of and had the Major
Popham.
honour to be employed in, I was firmly of opinion that the right of
plunder was vested in the captors. The instances of plunder being
shared, in this and other countries, without any prior application to the
members of Government have been many, and it would be only, sir,
intruding on your patience to enumerate them."

And in the same letter he says,—

"They did not admit of the doubt of the contents of the fort of
Bedjegur being their prize."

In a letter signed by forty-nine of the officers, they Letter
signed by
forty-nine
officers.
say,—

"We did conceive that any money and effects, warlike stores ex-
cepted, taken consequent to a capitulation was the undoubted property
of those whose lives are risked in the acquisition."

That letter is to be found in the next page. They say,—

"We conceive Mr. Hastings' letter to be an imaginary admission of
our right. We were influenced to believe that no doubt existed as to
the validity of our pretensions, from many reiterated precedents in
point occurring to our reflection to confirm them."

It is not to be imagined that military men are acquainted
with the niceties of legal distinction. The usage of the

...receiving my quod
dation of those debts; as, I
important fortresses, the pris
divided among the captors."

I only state these few
that the officers had the

Dissem-
ination of
Mr. Hast-
ings' letters
by the
officers.

The letters written
personally to an individ
public view, not being
were written in that u
written of that nature.

referable to the explan
namely, that they intimat
intention, through the me
officers should, if permitted
construction upon them I
say,—“We are clearly o
Mr. Hastings says we ar
through which we are to
officers—” to be the median
no grant necessary.” And
officers, without any referen
of the amount of the treasur
capture of that place, divid
selves, and afterwards refuse

I trust, therefore, that no
lie upon Mr. Hastings. I do
officers for stating the impre
time; and, being at that time
they had sustained in a long a
easily believe that to be the ses
to them, they being convinced
own entered

which followed, namely, some of the followers being plundered after the capitulation had taken place—the attributing that to this letter is directly refuted by the evidence given upon that subject, which shows that the circumstance which took place was the result of a mere accident, committed in consequence of the misconduct of the Rani herself, in having played with and deceived them, from the morning when she was to have surrendered the fort till twelve o'clock at night; and in consequence of coming out at that time of night it was that some of her followers were plundered.

With respect to the treatment of this woman, Panna, it is represented that Mr. Hastings violated all the attentions that were due to her sex, [in a way] particularly offensive to the manners of the East and the respect there paid to the female sex:—

Charge of
harsh treat-
ment of the
Rani.

“And did further prohibit Major Popham, or the commanding officer of the army employed in the above service, from entering into any conditions with the said mother of the said Rajah even for a provision, and did declare that, if she disappointed certain expectations, or did not instantly comply with certain terms which he the said Warren Hastings proposed to her in consequence of some overtures from her, he would consider it as a wanton affront and never would forgive the same.”

Now, my Lords, these are pieced extracts from two distinct letters—one of them written upon the 22d of October, the other written upon the 3d of November; the first of them being a letter written in consequence of overtures being made from the Rani, communicating offers which were thought not to be tenable, at a time when she was commanding the fort in open rebellion. Mr. Hastings says he will not consent to any engagement to settle any lands upon her not subject to the authority of the zamindar, nor to enter into any conditions with her even for a provision. That is, he will not undertake to settle upon the zamindar or upon the country any permanent imposition, to allow her either lands or money, as the condition of surrendering the fort.

Derived
from two
letters of
Mr. Hastings.

The first,
declining to
enter into
conditions
for a provi-
sion for her.

The second letter is written thirteen days afterwards, after overtures had been made by the Rani containing new terms of accommodation; and it is then said, that Mr. Hastings said that he prohibited entering into any terms with her, and that he would consider it as a wanton affront. Now, my Lords, read the whole of that letter. Mr. Hastings, in the most humane and attentive manner, immediately accepts the whole of the terms she herself offered! He directs his own steward, the diwan, immediately to go, furnished with all the materials for the purpose of effectuating

The second,
accepting
her terms.

Would it not have been
yet the latter part of
preceding part, that sh
by the Kani herself an
into execution, is oai
no doubt she will ac
hold a firm language t
with them. It had th
though she delayed fr
immediately after she
ceased to be in open arm
attention shows to her
mation to him that some
dered in coming out of th
will beg to state to your
little truth it is represent
in humanity upon this occ

The letter
representing
the violence
of the
robbery.

"It gives me great concern
under your command should
infringement of the smallest ar
mother of Chert Sing and her
the offenders and oblige them to
in the most exemplary manner.
make her all the recompence in
enforce the remaining stipulations

That was the conduct M
moment she ceased to be an o
had capitulated and restored t
attention to her. Besides thi
he opposed a provision for her
the property there

Order for
putting the
Kani into
possession of
her property
in the

attendants, may reside wherever she pleases, and she shall be put into possession of such houses as are her own immediate property." 26 APR. 1792.

Therefore, Mr. Hastings did put her into immediate possession of this property. In consequence of that, the mother and wife and daughter of Cheyt Sing, with all their attendants, were escorted to Benares. They were then permitted to reside in every possible safety. They were afterwards, by their own desire, escorted by Lieutenant Hamilton to Allahabad, for the purpose of joining Cheyt Sing. They were met there by an escort sent from Madaji Scindia, in whose camp Cheyt Sing was. They had received a fifteenth of all the money found in Bidjey Gurh, amounting to 25,000*l.*, with all their plate; and they expressed in the strongest manner their gratitude and thankfulness for the humanity and attention they had experienced. So much with respect to the ill-treatment of Panna!

Humanity towards her.

I come now to the last head of this charge—the arrangements that were made subsequent to the rebellion and flight of Cheyt Sing. Your Lordships will find them to consist of the appointment of a new zamindar, of the name of Mehipnarain, and, a naib, of the name of Durbedgy Sing, and the settlement of the tribute, which was stated to be arbitrary:—

Charge respecting arrangements, subsequent to Cheyt Sing's flight.

"That he did further abrogate and set aside all treaties and agreements which subsisted between the state of Benares and the British nation, and did arbitrarily and tyrannically, of his mere authority, raise the tribute to the sum of 400,000*l.* sterling, or thereabouts; and did further wantonly and illegally impose certain oppressive duties upon goods and merchandize, to the great injury of trade and ruin of the province; and did further dispose of as his own the property within the said provinces, by granting the same or parts thereof in pensions to such persons as he thought fit."

Now, with respect to all these subjects of the arrangement that was made by Mr. Hastings in the year 1781, I confess myself I should rather have thought that they might have been resorted to as exhibiting proofs of the wisdom and policy of his government, in every one of the circumstances that are quoted. He appointed Mehipnarain. It is said that he abrogated the treaties existing between the state of Benares and the East India Company. What treaties existing between the state of Benares and the India Company? That proceeds altogether upon a mistaken idea of this being an independent state. Cheyt Sing was appointed by zamindary sanads. He had a grant given him of the zamindary: he had forfeited the zamindary of the Company. There was

Abrogation of treaties.

Benares not an independent state.

26 Apr. 1782 and so on. All which bloodshed, war and confusion, are solely imputable to the misconduct, violence, tyranny and criminal improvidence, of the said Warren Hastings. Cheyt Sing was innocent from the beginning to the end. No guilt in him, and the whole guilt was Mr. Hastings'!

It is stated that, in consequence of the arrest and expulsion, an unjust war arose; the expulsion not having taken place till after the war was over, for the expulsion was the consequence of a proclamation and declaration of his having forfeited his zamindary by his conduct; and yet it is stated with great accuracy that, in consequence of the expulsion that war arose—which was an event that did not happen till afterwards. It is stated then that—

General charges of extortion and oppression.

"In all these acts of repeated demands, extorsive exactions, arbitrary arrest, and final expulsion of the said Cheyt Sing from his dominions upon pretences, many of which were never suggested or alleged by the said Warren Hastings till after the said expulsion, and in various other acts, by him, the said Warren Hastings, done and committed towards the said Rajah, he the said Warren Hastings has in many and various instances acted contrary to the truth reposed in him, to the faith of solemn treaties, to his own declared sense of his duty, and thereby, greatly disgraced and discredited the character of the British nation in India."

Throughout, therefore, from the beginning to the end, the whole is imputed to Mr. Hastings. All the demands made by him are considered as extorsive exactions; all his endeavours to enforce them are considered as tyrannical and oppressive; his accusations of nonperformance are considered as false, wicked and malicious; his arrest as arbitrary, and his final expulsion of him constitutes one of the crimes in which he is accused. Having detailed all the evidence upon this subject, I do not mean to trouble your Lordships with any recapitulation of it. Your Lordships will be to judge how far, in the treatment of Cheyt Sing, Mr. Hastings was in any respect guilty of any harshness. From the beginning to the end, I conceive that, throughout, he was justified in the accusation against him, that he was justified in the arrest and that he was justified in not listening to any terms of accommodation with him after the conduct that Cheyt Sing had observed.

Charges respecting the attack on Bidjey-Gurh.

My Lords, having observed what relates to the personal treatment of Cheyt Sing, I proceed now to advert to the remaining subjects that are made matter of charge against Mr. Hastings, subsequent to that event. One of them is immediately connected with the rebellion, and relates to the

attack of Bidjey Gurh; and that is represented in the next paragraph to be criminal in many respects. It is stated to have been an attack upon the place of residence of Panna, the mother of the Raja, and the surviving women of the family of Raja Cheyt Sing :—

26 APR. 1792.

“ That Mr. Hastings, for the purpose of the directed attack, did order a body of troops to march and dispossess them of their residence, and to seize upon their money and effects, without even pretending that they had committed any offence whatsoever, and without even inquiring whether the treasure contained in the fortress of Bidjey Gurh was the property of the said women or of Cheit Sing; that the said Warren Hastings did neither then nor since alledge or attempt to prove that the said ladies were ever concerned in the remotest degree ”—

and so on; considering this and the other subject that is connected with it, namely, the treasures that were found in it, as criminal in various points of view—in respect to the place; in respect of the person; and in respect of the orders that were given, and to the treasures that were found there.

My Lords, the place was a fort, one of the strongest in India, erected upon a hard rock seven hundred and forty-five feet perpendicular, garrisoned by seven hundred rebel troops, and in which, when the Raja fled, the women of his family took refuge, but who never made it the place of their residence before, and who went there as the only remaining fort that was in the possession of the rebels. It is represented as a crime in Mr. Hastings to attack that place: that, when the whole province had been restored to its obedience, it was criminal to attack the only place that stood out, because it was inhabited at that time by these persons. Why, my Lords, it appears by the testimony of Colonel Gardiner that the Rani, who is mentioned here, had the command in the place, and issued her orders to the bakhshi or to the officer of the forces there, which consisted of seven hundred men, who fired frequently upon our troops and destroyed a great many of our men during the course of a siege that lasted six weeks. And yet it is represented here to be a crime to attack that place! What were you to leave the rebels in possession of that place, because there were persons of this description who took refuge there? Could we consider the persons in any other character than as rebels, commanding a rebel fort garrisoned with a rebel army?

The fort resorted to by the women of Cheyt Sing's family.

The fort defended against the Company's troops by the Rani's orders.

With respect to the treasure that was found there, after Cheyt Sing had carried off upon the backs of a great number of camels all his jewels and a great part of his wealth, it

The treasure found in the fort.

were distributed by the distribution of the treasure criminal act; that Mr. Hastings is responsible for it, that he is responsible for it, that he is responsible for it, that, after he had done so, he is retracting it, and then he had before given them to have.

Mr. Hastings' letters to the commanding officer of a private company.

Now, upon this subject, we have a particular detail of the state of this—not that the letters were upon that subject, being upon public subjects, are not to all the orders they contain orders, yet that, in the course of the war, they were written in a more loose and to consider, that they were they are looked at, there were any orders to warrant what the officers and soldiers, without a to do it.

There are two letters, 1 and from which extracts are of October and the 3d of 1757 were written prior to the surrender when overtures had passed the commanding officer. I am perfectly satisfied that these letters Mr. Hastings in mind, prior to his knowledge would be, that he did intend have it; but that they should

Intention of Mr. Hastings that the troops should divide the treasure.

proper means to prevent any stratagems to take away a part of the treasure. He says, "it will be your business to secure for yourself and your detachment;" meaning that himself and his detachment should have it, but not to say they were to have a scramble for it, to divide according to their own authority; but merely intimating to them his ultimate intention, as he explained it by a letter he wrote at the very time, that he intended it for them, but intended it through the medium of a regular authority. The officers did not wait for any authority; but on the day after the capture they divided the whole, without any orders, directions or authority, for the purpose. I can easily account for why the officers should have been induced to do what they did. It appears, from the evidence before your Lordships, that all the officers were clearly convinced in their mind that they were intitled to the booty taken under these circumstances in the attack of a fort; that whatever they took belonged to them *de jure*; that by the usage of the service they had always had it, and they conceived it to be their right.

Division made of the treasures, without authority.

I will just read one or two extracts from the officers' letters, in order to show that I am justified in that assertion. In one letter, which is in the 286th page of your Lordships' Minutes, written by Major Popham, he says,—

Extracts from the officers' letters.

"From the usages of all services I have ever heard of and had the honour to be employed in, I was firmly of opinion that the right of plunder was vested in the captors. The instances of plunder being shared, in this and other countries, without any prior application to the members of Government have been many, and it would be only, sir, intruding on your patience to enumerate them."

Major Popham.

And in the same letter he says,—

"They did not admit of the doubt of the contents of the fort of Bedjegur being their prize."

In a letter signed by forty-nine of the officers, they say,—

Letter signed by forty-nine officers.

"We did conceive that any money and effects, warlike stores excepted, taken consequent to a capitulation was the undoubted property of those whose lives are risked in the acquisition."

That letter is to be found in the next page. They say,—

"We conceive Mr. Hastings' letter to be an imaginary admission of our right. We were influenced to believe that no doubt existed as to the validity of our pretensions, from many reiterated precedents in point occurring to our reflection to confirm them."

It is not to be imagined that military men are acquainted with the niceties of legal distinction. The usage of the

"I, on receiving my quota of
of those debts; as, being
important fortresses, the prize
divided among the captors."

I only state these few
that the officers had them

Miscon-
struction of
Mr. Hast-
ings' letters
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The letters written by
personally to an individual
public view, not being in
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officers should, if permitted
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Mr. Hastings says we are
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officers, without any referen-
of the amount of the treasur-
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I trust, therefore, that no
lie upon Mr. Hastings. I do
officers for stating the im-
time; and, being at that time
they had sustained in a long
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which followed, namely, some of the followers being plundered after the capitulation had taken place—the attributing that to this letter is directly refuted by the evidence given upon that subject, which shows that the circumstance which took place was the result of a mere accident, committed in consequence of the misconduct of the Rani herself, in having played with and deceived them, from the morning when she was to have surrendered the fort till twelve o'clock at night; and in consequence of coming out at that time of night it was that some of her followers were plundered.

26 APR. 1792.

With respect to the treatment of this woman, Panna, it is represented that Mr. Hastings violated all the attentions that were due to her sex, [in a way] particularly offensive to the manners of the East and the respect there paid to the female sex:—

Charge of harsh treatment of the Rani.

“ And did further prohibit Major Popham, or the commanding officer of the army employed in the above service, from entering into any conditions with the said mother of the said Rajah even for a provision, and did declare that, if she disappointed certain expectations, or did not instantly comply with certain terms which he the said Warren Hastings proposed to her in consequence of some overtures from her, he would consider it as a wanton affront and never would forgive the same.”

Now, my Lords, these are pieced extracts from two distinct letters—one of them written upon the 22d of October, the other written upon the 3d of November; the first of them being a letter written in consequence of overtures being made from the Rani, communicating offers which were thought not to be tenable, at a time when she was commanding the fort in open rebellion. Mr. Hastings says he will not consent to any engagement to settle any lands upon her not subject to the authority of the zamindar, nor to enter into any conditions with her even for a provision. That is, he will not undertake to settle upon the zamindar or upon the country any permanent imposition, to allow her either lands or money, as the condition of surrendering the fort.

Derived from two letters of Mr. Hastings.

The first, declining to enter into conditions for a provision for her.

The second letter is written thirteen days afterwards, after overtures had been made by the Rani containing new terms of accommodation; and it is then said, that Mr. Hastings said that he prohibited entering into any terms with her, and that he would consider it as a wanton affront. Now, my Lords, read the whole of that letter. Mr. Hastings, in the most humane and attentive manner, immediately accepts the whole of the terms she herself offered! He directs his own steward, the diwan, immediately to go, furnished with all the materials for the purpose of effectuating

The second, accepting her terms.

as the proposition—and she who
refuse to comply with it,
affront."

Would it not have been
yet the latter part only
preceding part, that show
by the Rani herself and
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His letter
describing
the violence
of the
soldiers.

"It gives me great concern
under your command should
infringement of the smallest a
mother of Obeyt Sing and be
the offenders and oblige them to
in the most exemplary manner.
make her all the recompence
enforce the remaining stipulation

That was the conduct
moment she ceased to be a
had capitulated and restore
attention to her. Besides t

Order for
putting the

attendants, may reside wherever she pleases, and she shall be put into possession of such houses as are her own immediate property." 26 APR. 1792.

Therefore, Mr. Hastings did put her into immediate possession of this property. In consequence of that, the mother and wife and daughter of Cheyt Sing, with all their attendants, were escorted to Benares. They were then permitted to reside in every possible safety. They were afterwards, by their own desire, escorted by Lieutenant Hamilton to Allahabad, for the purpose of joining Cheyt Sing. They were met there by an escort sent from Madaji Scindia, in whose camp Cheyt Sing was. They had received a fifteenth of all the money found in Bidjey Gurh, amounting to 25,000*l.*, with all their plate; and they expressed in the strongest manner their gratitude and thankfulness for the humanity and attention they had experienced. So much with respect to the ill-treatment of Panna!

Humanity towards her.

I come now to the last head of this charge—the arrangements that were made subsequent to the rebellion and flight of Cheyt Sing. Your Lordships will find them to consist of the appointment of a new zamindar, of the name of Mehipnarain, and, a nail, of the name of Durbedgy Sing, and the settlement of the tribute, which was stated to be arbitrary:—

Charge respecting arrangements, subsequent to Cheyt Sing's flight.

"That he did further abrogate and set aside all treaties and agreements which subsisted between the state of Benares and the British nation, and did arbitrarily and tyrannically, of his mere authority, raise the tribute to the sum of 400,000*l.* sterling, or thereabouts; and did further wantonly and illegally impose certain oppressive duties upon goods and merchandize, to the great injury of trade and ruin of the province; and did further dispose of as his own the property within the said provinces, by granting the same or parts thereof in pensions to such persons as he thought fit."

Now, with respect to all these subjects of the arrangement that was made by Mr. Hastings in the year 1781, I confess myself I should rather have thought that they might have been resorted to as exhibiting proofs of the wisdom and policy of his government, in every one of the circumstances that are quoted. He appointed Mehipnarain. It is said that he abrogated the treaties existing between the state of Benares and the East India Company. What treaties existing between the state of Benares and the India Company? That proceeds altogether upon a mistaken idea of this being an independent state. Cheyt Sing was appointed by zamindary sanads. He had a grant given him of the zamindary: he had forfeited the zamindary of the Company. There was

Abrogation of treaties.

Benares not an independent state.

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rejected it upon an idea that
succeeded; that is, that

subjects of consideration at the time when Cheyt Sing ^{26 APR. 1792} forfeited it, and they had to look out for a new person. Mehipnarain's mother stood next.

Mr. Hastings states that he had entertained doubts about the preferable rights either of the mother of Mehipnarain, of the husband of that mother, or of Mehipnarain himself; and that he had intended, if it had been matter of contest, to have referred it to the whole body of pandits to decide; but that was rendered unnecessary by the surrender made by the mother and her husband in favour of the grandson, Mehipnarain. The consequence was, he was left the person next entitled in succession to the zamindary: he was the person chosen. He was at that time a minor, and, in point of personal talents, not qualified for the situation. He had been kept secluded from the world and business by Cheyt Sing, perhaps out of policy, and, therefore, not very capable of conducting his affairs; therefore, Durbedgy Sing was appointed naib, but who turned out afterwards to be very unfit for his situation. He was chosen only because he was the father of the Raja. I hope it will appear, in exercising that part of his duty, that Mr. Hastings paid proper attention to the rights and interests of all persons, and every attention to the province.

With respect to the tribute, he raised the tribute. He was about to make a new contract. It was, undoubtedly, competent to the Company to make a new contract upon any terms they thought fit; and, when a new contract was made, it was but reasonable to consider what was the real value of the thing they were about to grant. As to the mode of determining what the value was, Mr. Hastings applied to all the best documents that could be got for that purpose. Cheyt Sing had taken out of the country with him almost all the accounts of the revenues of the zamindary. There were a few left behind, which Mr. Hastings obtained from the Resident, containing an exact account of the collections in the prior year, amounting to fifty-three lacs. There was another account that was delivered to him by the new naib: and also another account of an officer who had formerly been in the employment. From those he ascertained what was the actual produce of the zamindary; and, after deducting every possible expense, and after restoring, what had been laid aside by Cheyt Sing, [the allowances assigned to distressed families and men of piety and learning, by which he recovered, to] 323 families in great indigence, the small

Charge of raising the tribute.

Care of Mr. Hastings to ascertain the value of the zamindary.

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Pandit. In page 122
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Page
122

In another place, in
which is in page 151
November, of the esta
scribes the pensions th
them :—

" I now proceed to the
ment, &c. : " To the merits
occasion, I must add a long
the year 1773 to the present
confidential ministers of a fi
which they have always prof
have zealously adopted all
between their Government an

scribe the generous conduct of that Government to ours in many signal instances which stand recorded on our consultations, and will be universally acknowledged as such, when time shall have effaced the prejudices with which they have been, and perhaps still are, represented by some: and to him I owe the influence which I myself possessed with the late Dewan Demanger Pundit, and its effects while he was living. In the same spirit of common attachment, Bissumber Pundit, the younger brother, went, instructed by me, to Chimmajee Bauboo, the commander of the army, employed last year in the province of Orissa, and assisted Mr. Anderson in his negotiations. In all these instances, I have considered and treated them equally as the friends of our Government and the faithful servants of their own; and, wherever I have been, one or both have been my constant attendants. If these services shall be admitted as meritorious, although they should be ascribed to motives of personal respect to myself, still let it be considered that it was in my character of the first and executive member of our state that I received such instances of it, or could have the means of inspiring it; and that I doubt whether a national attachment, in an alien breast, can either grow or subsist on any other principle. For all these united reasons, I have thought it incumbent upon me to recompense the merits of this family, by the seasonable grant of a public income derived from the settlement of the province in which they resided, and in the recovery of which to our authority they have made to themselves so near an interest. The first of these pensions is a jaghir granted to Benaram Pundit, of the yearly amount of rupees 25,000. I have already acquainted the Board with the faithful services of this man and his family during the late troubles, which I can take upon me to assure the Board, whatever was our opinion of them at the time, and however repugnant it may be to our national character to regard any situation of affairs with the eye of despondency, were considered universally by all but ourselves, equally by friend and by foe, as utterly desperate.*

It will be recollected that this person was the servant of the Berar Raja, whose army, consisting of 30,000 horse, had been inactive upon the frontiers of Bengal, entirely by means of the assistance obtained through the medium of this person.

The next pension was in favour of Bundoo Khan, whose name is affixed to a jagir of two hundred a year. [Mr. Hastings says of him]:—

“He is an inhabitant of the town of Chumar. He attended Captain Blair in the unfortunate attempt on Ramnagar, and in the battle fought at Pateeta; and was of much service to that officer on both occasions, by his knowledge of the ground and by a natural good understanding, which enabled him to apply that knowledge to the incidents before him. This man suggested the expedition, which was afterwards formed, to take possession of the passes lying behind Lutteepeer by an unknown and secret route, and was himself the guide of the detachments.”

Your Lordships will recollect that the battle at Pateeta, upon the 20th of September, was that which ended in the

* Printed in the “Minutes of the Evidence,” p. 152.

...weight with
after having passed thirty
I procured for him a pagh
1,200 rupees. I am persuaded
as well as the justice and in
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soldiers as have merited the
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in page 297; and it seen
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Indemnification
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indemnity for
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duty.

arrived at Benares, a very
upon this subject, by laying
upon articles by the weight
value; and an article worth
it weighed the same, was
Hastings thought, in which
unwise, that that was not a
duty, but that a more proper
ad valorem. Accordingly a
was imposed. Before it had
found that five per cent. was
articles.

Mirzapore. I know for certain that, on the rumour being spread in December last that five per cent. was to be levied on every article, by the **actions** of the honourable the Governor General, that the principal **uses** in the Deccan immediately ordered their Gomastahs to stop all their **sales** at Patna, and to send their goods by the route above-mentioned, the duty of five per cent. was continued. I beg leave to lay before your **honorable** Board another proposition—whether it will not be judicious to **reduce** the five per cent. to two and a half on our own staple commodities, viz., broad cloth, European iron, steel and copper.”

26 APR. 1792.

And that letter of Mr. Markham's stating this is the evidence that was given before your Lordships to prove—

That Mr. Hastings had wantonly and illegally imposed certain oppressive duties upon goods and merchandize, to the great injury of the trade and ruin of the province; that the general regulation of a five per cent. duty *ad valorem*, instead of a duty according to the weight, were oppressive duties in the province, because it was found that in mace, cinnamon, cloves and silk, it was found to be two and a half too much.*

And there they stop in the evidence. If they would have been so good as to have read to the end of it, they would have found that the order made by the Board immediately prevented any possible bad effect, because the proposed alteration immediately did take effect of reducing the duty from five to two and a half; and, consequently, all possible inconveniences from this was prevented. The regulation was immediately adopted by the Board.

It appears, in the very same computation from whence the evidence is taken to prove the imposition of oppressive duties, to the injury of the trade and commerce of the country, that it was immediately prevented taking effect; and then, after it had taken effect with the improvements, looking at the whole regulation, it has a contrary effect, by regulating the duties and the customs in a way that operated very beneficially for the country.

It appears in evidence before your Lordships, or if it does not it will be proved, that Mr. Hastings referred the adjustment of the rate of duties to merchants. With respect to some internal duties, that were found to be of a mischievous and impolitic nature, that rather operated as encouragements to vice, and those which operated to prevent the resort of pilgrims into the country by laying a tax upon them, Mr. Hastings removed them. He has relieved the country from all that were oppressive duties; and those that were continued were regulated in a manner to be beneficial to the

Reference
of the ad-
justment of
the duties to
merchants.

Removal of
oppressive
duties.

* Letter of W. Markham, Resident at Benares, to the Council, dated 20th of March, 1782.—Printed in the “Minutes of the Evidence,” p. 297.

...that were
task. First, Darbey
that so conducted his
priety he trusted in
was removed, and was
wards found equally in
your Lordships with
that subject, which will
factory and proper can-
ons, who were selected
tendency, without a pre-
abilities; but, being in
situation, it was certain
their places with persons

The Editor
of the
Lancet
has
written
the
following
article
concerning
Mr. Darbey.

It is a singular thing
of misconduct of these P
them, should be converted
Mr. Hastings—that, becau
oppression in the country,
to the revenue; because
when he ought to be paid
to use the Raja's name in
because he had neglected
some troops passed throug
those appearances, which
villages being abandoned an
bad government of the nat
a paragraph in the Article
extract is taken of a part of
ings complaining of

arrears from one of these defaulters, Durbejey Sing, the common and ordinary means were taken that are taken in every defaulter in the public revenue—by putting a guard on the outside of the walls of his garden: he had a house and garden of considerable extent. That is stated to be a great hardship and a great oppression, when at that time he owed 80,000*l.* to Government. That they should have a guard over him and arrest him in that sort of way, to enforce the payment of a debt due to Government—that is to make a subject of charge.

26 APR. 1792.
the arrears from Durbejey Sing.

With respect to the situation of the country, it is then stated, as a conclusion of the whole, that the country was reduced to utter desolation and ruin by the acts of Mr. Hastings; that the consequence of all he did in this province, towards Cheyt Sing and towards the country, operated to produce the ruin of the country. No evidence has been given of that, excepting only the letter that is extracted in the 31st paragraph, which, your Lordships will recollect, describes the temporary effects produced by the bad government of an individual, and which would be corrected by the removal of that individual. He was removed. Another person was appointed. New regulations were adopted; and, instead of its having operated to the ruin and desolation of that country, from that time to the present the country has been gradually increasing in population and in wealth.

Charge of the ruin of the country

Your Lordships will recollect that, in consequence of the arrangements made by Mr. Hastings at Benares in the year 1781, a civil and a criminal court of justice were established. The kotwali was taken from the persons who had abused it, and established under the conduct of a person, who has frequently been mentioned, who has administered justice at that place with a degree of purity, perhaps, unrivalled throughout India—not exceeded in any country in the world—in a way that has not produced a single complaint, as one of the witnesses stated, from that time to this. The conduct of that excellent magistrate and the police of Benares, regulated in such a manner ever since, has been the admiration of all persons who have since visited it.

Establishment of a civil and criminal court.

With respect to the tribute that is stated to be oppressive, that tribute has been collected from that time regularly to the present; every farthing has been realised. It has been proved to have been all paid, except the balance due from that person I stated that died indebted to the Company. It is proved by Mr. Benn to have been regularly

Charge of imposing oppressive tribute.

...the side of the river
other side of the river
to Chandpore, which
I found it both populous
of it in the year 1784 and
in the years 1781 and
appears to be as applies

My Lords, that i
and desolation, of w
1786! In one of
relative to the state
5th of November, 17
dent as follows,—

Presented by
the Hon. the
in 1786.

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voluminous papers concerni
ident of being transmitted :
Lordship that the full reve
entitled, according to the ten
of the Rajah's life by the la
larity and without any hard
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letter of the 26th of April, 17
your Lordship that I experienc
country in general to be in a ju
as this must, either in the affir
public notoriety, and being besie
enlarge on, I shall cheerfully tru
tion your Lordship may collect c

This is the history of the
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tribute, which

The tribute
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fit subjects of consideration at the time when Cheyt Sing ^{26 APR. 1702} had forfeited it, and they had to look out for a new person. Mehipnarain's mother stood next.

Mr. Hastings states that he had entertained doubts about the preferable rights either of the mother of Mehipnarain, of the husband of that mother, or of Mehipnarain himself; and that he had intended, if it had been matter of contest, to have referred it to the whole body of pandits to decide; but that was rendered unnecessary by the surrender made by the mother and her husband in favour of the grandson, Mehipnarain. The consequence was, he was left the person next intitled in succession to the zamindary: he was the person chosen. He was at that time a minor, and, in point of personal talents, not qualified for the situation. He had been kept secluded from the world and business by Cheyt Sing, perhaps out of policy, and, therefore, not very capable of conducting his affairs; therefore, Durbedgy Sing was appointed naib, but who turned out afterwards to be very unfit for his situation. He was chosen only because he was the father of the Raja. I hope it will appear, in exercising that part of his duty, that Mr. Hastings paid proper attention to the rights and interests of all persons, and every attention to the province.

With respect to the tribute, he raised the tribute. He was about to make a new contract. It was, undoubtedly, competent to the Company to make a new contract upon any terms they thought fit; and, when a new contract was made, it was but reasonable to consider what was the real value of the thing they were about to grant. As to the mode of determining what the value was, Mr. Hastings applied to all the best documents that could be got for that purpose. Cheyt Sing had taken out of the country with him almost all the accounts of the revenues of the zamindary. There were a few left behind, which Mr. Hastings obtained from the Resident, containing an exact account of the collections in the prior year, amounting to fifty-three lacs. There was another account that was delivered to him by the new naib: and also another account of an officer who had formerly been in the employment. From those he ascertained what was the actual produce of the zamindary; and, after deducting every possible expense, and after restoring, what had been laid aside by Cheyt Sing, [the allowances assigned to distressed families and men of piety and learning, by which he recovered, to] 323 families in great indigence, the small

Change of raising the tribute.

Care of Mr. Hastings to ascertain the value of the zamindary.

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56 APR. 1796. paid during the period of his time, and the country time to be in a flourishing state. Your Lordships read the evidence of Mr. Beun upon that subject. It is 319. He was asked—

Evidence of
Mr. Beun of
the pro-
sperity of the
country.

"When did you see this country last?" "I left Benares year 1786, I believe in February in that year." "What was the state of Benares when you saw it last, in point of cultivation and population?" "It was both well cultivated and peopled—the people were happy." "Did you see Benares in 1783, and in what condition of population was it then?" "In 1783 I travelled from Benares to Chaudpore, which was rather a circuitous way over that district; I also travelled through the district of Chaudpore, which was rather a circuitous way over that district; I found it both populous and well cultivated." "Do you know of it in the year 1784 and 1785?" "I resided in the province of Benares in the years 1784 and 1785, and the description that I have given appears to be as applicable to those years as the others."

My Lords, that is the country that was reduced to a state of desolation, of which an account is given up to the year 1786! In one of the latest documents that is now before me relative to the state of this country, which is dated 5th of November, 1790, I find written by the then Resident as follows,—

Report by
the Resident,
in 1790.

"Meaning to annex the report of the state of the collection of the revenue for the fiscal year 1789, which ended on the 29th of September, a natural sequel to that of the first year of the permanent settlement, voluminous papers concerning which are not yet all transcribed, I admit of being transmitted: I think it, however, proper to acquaint your Lordship that the full revenue to which the honourable Company is entitled, according to the terms of the settlement, concluded for the life of the Rajah's life by the late Governor General, has with due industry and without any hardship or difficulty been realized, exceeding the funds which were promised for the year in question, by the letter of the 26th of April, 1789. I have further the pleasure to inform your Lordship that I experience the heartfelt satisfaction of seeing the country in general to be in a promising progress of improvement as this must, either in the affirmative or negative, be ere now a matter of public notoriety, and being besides, from its nature, unsuitable for enlargement on, I shall cheerfully trust to the result of all the other information your Lordship may collect concerning it."*

The tribute
annually turned
by the
country.

This is the history of the country up to the present. Without going through the history of the intermediate period of it, it is enough for me to state that the whole of the tribute, which is stated to have been "arbitrarily and tyrannically" imposed by Mr. Hastings, to raise it to the sum of 400,000*l.* sterling, has been found to be such as the country

* Letter of J. Duncan, Resident at Benares, to Lord Cornwallis, 29th November, 1790.—Printed in the "Minutes of the Evidence," p. 144.

could well bear and the zamindars regularly pay, leaving the country in a progressive state of improvement. If it could be so, I rather think that ought to be stated as a benefit derived to this country, where this nation has received, in consequence of the arrangements made in 1781, in a period of ten years, above 1,700,000*l.* more than it would have received under the former arrangements. And, surely, if a contract was to be made, and could easily and justly be made, by which that benefit was to be derived to the country, it could hardly be stated as a matter of charge against Mr. Hastings that he should “arbitrarily and tyrannically” raise the revenue to that sum. This is, I believe, the whole subject before your Lordships upon this Article.

The arrangements that have been made by Mr. Hastings do all, I believe—or the greatest part of them—continue to the present day. To this day Melhipnarain is continued the zamindar, though this Article charges that Cheyt Sing was unjustly expelled from the zamindary. If he was so, I should think it would be very difficult to show why he has so long remained an unjustly expelled man, without any attempt for a period of ten years to restore him to that country. Melhipnarain, who, it is charged, was improperly appointed by Mr. Hastings, is still continued, and is the zamindar to this day by the public authority. That tribute which is stated to be unjustly raised has been received by the Company, without an idea of anybody to reduce it to a lesser sum. All the regulations of the country as to the duties are, and in every respect, continued to the present hour. No guilt belongs to the nation for all this, because great advantage is derived to the country from it. You have an unfaithful person expelled from it, who broke his engagements with the Company and justly merited what has happened. In every other respect the country has been united to us, in a way that admits of no danger. The military force, instead of remaining upon the thread of dependence of a temporary character on the Raja, has now been united, in a manner to leave no danger in a frontier country in its union with this state. The revenue, the population, the commerce, the police, the justice of the country—in every respect have been happily administered. No ill consequences of any sort have attended any part of the arrangements made by Mr. Hastings.

Having now gone through both the heads of the charge—that which relates to the personal treatment of Cheyt Sing

26 APR. 1792
—
Permanence
of Mr. Hast-
ings' ar-
rangements.

this charge. I entreat you
to consider the gentleman
Sing, who in the hour of
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My Lords, I have now
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